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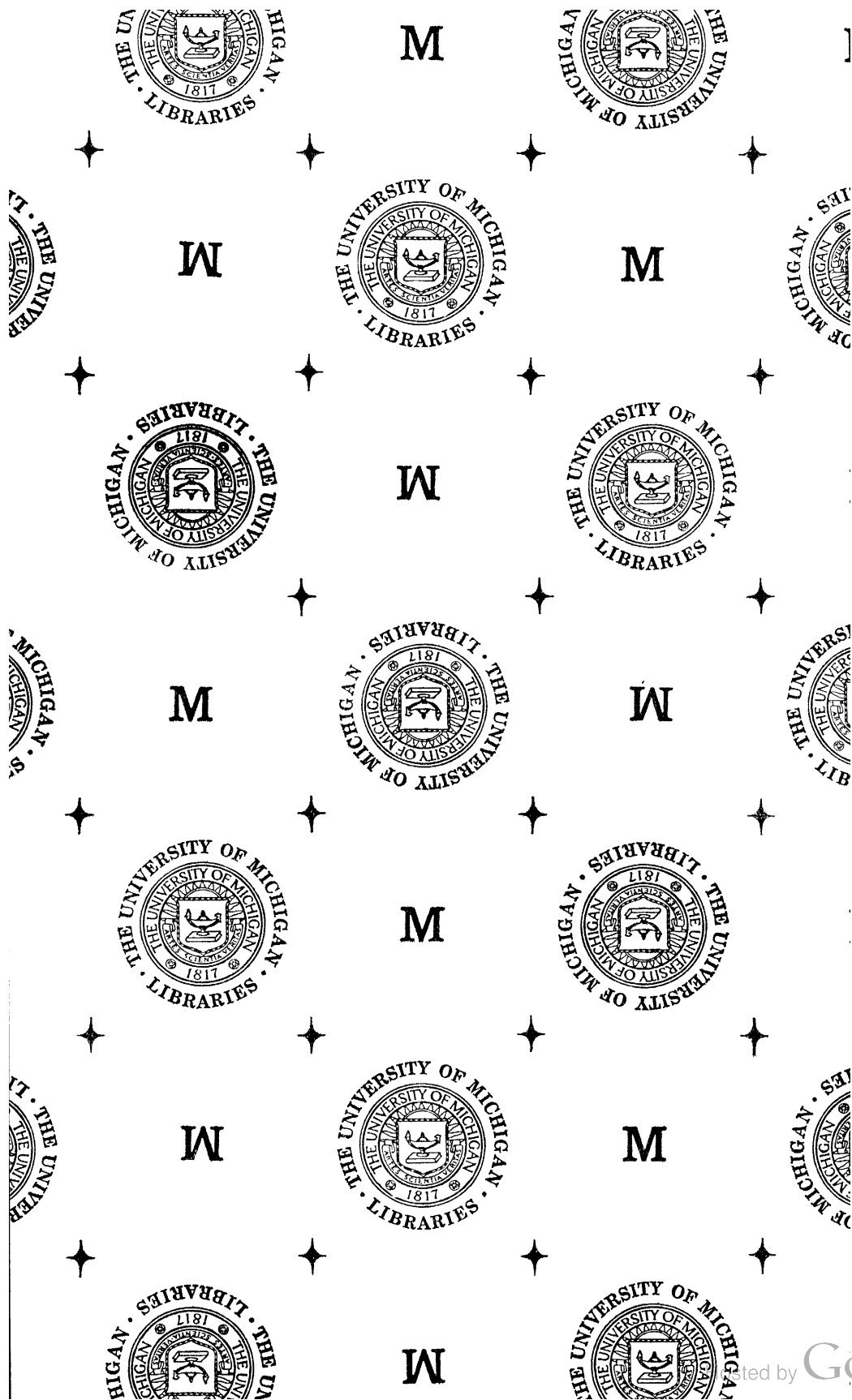
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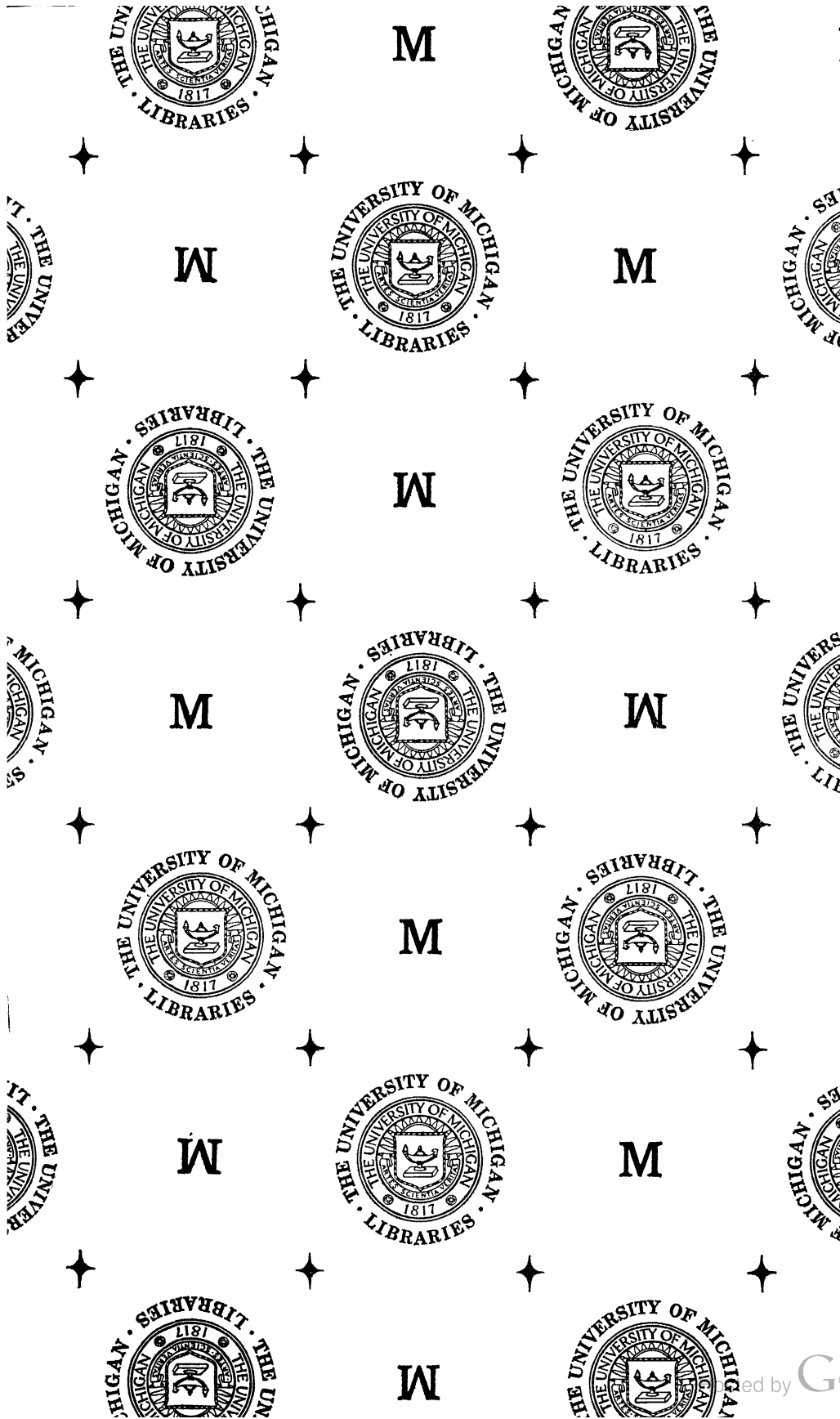
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POCOCK

RECORDS
OF THE
REFORMATION

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RECORDS OF THE REFORMATION

THE DIVORCE 1527—1533

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LATE MICHEL FELLOW OF QUEEN'S COLLEGE

VOL. II

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RECORDS

OF

THE REFORMATION.

Number CCV.

Original letter from Campeggio to the King, written from Augsburg, June 28, 1530, alluding to the proceedings of the Lutherans.

SERENISSIME ac Potentissime Rex Domine, Domine Addit.
colendissime, humillimas comendationes. MSS.
Quod Serenitati tuæ proximis litteris facturum me pollicitus 25, 114,
sum, præstare jam incipio. fol. 34.

Comitia in causâ Christianâ Augustæ indicta, quod bene vertat Deus, 14 Kal. Julii incoata sunt. Nonnulli Germaniæ principes Lutheri erroribus faventes, articulos quosdam seu propositiones in medium attulere, (Dii boni) quam inanes quam a verâ Catholicâque persuasione inopes et, ut verum fatear, non profecto idoneas quæ ab hujusmodi viris aut proponantur, aut audiantur; ut facile nobis sperandum sit, nisi quod Hæreticorum est proprium, obdurato obstinatoque animo in sententiâ permanere, quam sinceræ veritati audire maluerint, illos non incommode adduci posse, ut in veram Christi semitam a quâ tot annos aberrasse liquido constat, denuo redeant. Quâ spe ut vehementius nitamur, Caesaris Ferdinandique pietas admirabilisque constantia facit, quibus in hanc causam prope pensissimis amantissimisque utimur.

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Verum tu quoque Rex potentissime, etsi toto pene orbe a nobis semotus divisusque, non modicum utilitatis ac fructûs ad hanc rem nuperrime contulisti. Rumores namque non obscuri de Hæreticorum quorundam librorum inflammatione non sine ingenti nominis tui gloriâ in hanc urbem delati effecere, ut qui prius sponte suâ essent incitati, tuæ tamen Celsitudinis exemplo commoti, acriori mente studiisque ardentioribus, ac quodam quasi impetu animi ad hanc nostram, immo Christi, causam non solum tuendam, sed etiam augendam plane ferantur.

Habes quæ hætenus Augustæ sint acta. Nunc quæ in Italiâ gerantur, accipe. Ad 4 Kal. Junii Empolim Florentinorum oppidum, tum loci naturâ, tum arte munitissimum in obsidentium manus devenisse constat; et licet oppidani in fidem arbitriumque militum sese dediderint, cum illis tum pessime actum audimus. Quo nuntio adeo perculsi consternatique sunt Florentinorum animi, ut defendendæ urbis aut nulla aut modica jam spes relicta sit. Ex illo enim oppido quod Pisanos Florentinis quodammodo conjungeret, commeatus, præsidia, ac pleraque id genus, Florentiam invehebantur, et quod ad detinendos Civium animos in obsidionibus præsertim diuturnis caput esse solet, Litteræ, Nuntii, ac certissimæ victoriæ spes quotidie afferebantur. Nunc vero distractis viribus, omnique spe penitus destituti, quid aliud miseri faciant nisi sese dediderint non habent.

Volaterram quoque ingenti militum manu obsessam aut vi captam iri aut deditione in Pontificis fidem venturam sperabant.

Cum epistolæ finem imponerem, ne Serenitatem tuam, gravioribus occupatam negotiis, diutius detinerem, mihi esset in animo; ecce tibi litteræ ab Urbe in quibus nonnulla ad Turcam Christiani nominis hostem acerrimum pertinentia enuntiantur, quarum exemplum ad Celsitudinem tuam mittere decrevi, quod certo sciam illius pientissimis auribus incredibilem jocunditatem, singularemque læticiam esse allatura. Et licet non dubitem, hæc ab Oratoribus suis diligentius accuratiusque Majestati tuæ significari, nolui tamen committere quin a me etiam conscriberentur. Quod enim suave jocundumque auditu est, quanto crebrius legitur, læticiam tanto majorem afferre nemo est qui ambigat.

Bene valeat Serenissima Majestas tua, cui me totum trado,
enixeque commendo.

Augustæ 4 Kal. Julii MDXXX.

CAMPEGIUS.

Addressed—

Serenissimo ac Potentissimo Domino meo Colendissimo
Domino Henrico Octavo Angliæ Regi,
Fidei Defensori etc.

Endorsed in contemporary hand—

At Augusta the 4 Kalends of July.

Number CCVI.

*Letter addressed by Croke to Francesco Georgio from
Bologna for three copies of the breve¹.*

Vitell.
B. xiii.
fol. 111.

REVERENDE domine, salutem.

Discedens hinc Reverendissimus dominus Londoniensis mihi ex [Regis mandato] jussit ut sollicitarem Dominationem vestram ut cum summâ celeritate [ad me] faceretis transmitti tria transsumpta brevis apostolici. Nam nescio quo[modo] pontificiæ in serenissimum regem malevolentiae omnes religiosi m[etu] tenentur,] ut nisi sub vestro sigillo tria habeamus transsumpta, non videam[ur] regis causam promoturi. Nihil ergo dubito quin pro vestrâ sum[mâ] fide, et transsumpta ista velitis quam fieri posset ocyssime ad me transmittere, et quidlibet aliud quod utilitas regiæ causæ p[ostulat], libentissime facere. Nos, ne officio nostro defuisse hâc in p[arte] videamur], et harum exemplar dedimus, et per quem has ad Dominationem vestram misimus rog[avi]mus, et iterum significabimus et idem exemplar mittemus. Bene [vale].

Bononiæ, 12 Septembris.

¹ See Number CXXXVII. for a similar request for three copies of the breve.

Number CCVII.

*Original letter or letters received in England Oct. 1, 1530,
partly in cipher written by Ghinucci to the King, detailing
various conversations with the Pope on the subject of the
proposal of two wives and the trying the case in England.*

Ex literis receptis 1^o die Octobris.

HABUI tandem, ex civitate Senensi, consilium Decii quod ^{Record Office.} est subscriptum manu suâ, et alterius doctoris Senensis qui post illum doctior et famosior est. Habui et aliud consilium ab alio Jurisconsulto similiter Senensis qui post hos duos ibi famosior est. Itaque habemus, quoad civitatem illam, omnes jurisconsultos qui famosi sunt. Habuimus et inde duo consilia Theologorum; et tam hæc quam ea quæ superius dixi, dedi istis doctoribus Anglis. Scribit meus nepos, quem ad hoc illuc misi, habere aliquam spem ut habeat duo alia consilia Theologorum, quamvis non audeat id mihi certo polliceri, [propterea quod Dominus Cardinalis Senensis, qui ibi est, magnum omnibus terrorem incussit, prout alias scripsi.

Scripsi alias ad Majestatem vestram habuisse duo consilia unius fratris Felicis Hispani, qui scripserat pro reginâ Angliæ. Postea, dedi ea, una cum consilio fratris Johannis de Senario, similiter in favorem reginæ Angliæ scripto, fratris uisco² qui scripsit pro Majestate vestrâ, qui etiam promisit mihi in refutationem horum omnium scribere, et eam incepit scribere.

Gallatinus, ut alias scripsi, promiserat scribere pro Majestate vestrâ; tamen dicebat nolle ostendere scriptum suum nisi Papa id juberet.]

Postea cœpit scribere, et dum scriberet, quidam [familiaris domini Cardinalis Ægidii], ut ait, ivit ad eum ipsumque reprehendit quod [pro Majestate vestrâ scriberet.] Incussit autem hæc res ei tantum metûs ut dixerit nolle ulterius prosequi opus, nisi Pontifex id sibi jusserit; [hoc autem, quantum sperare possumus, Majestas vestra ex literis communibus

² The editor is unable to explain both the copies of the document in this word, which is thus written in the Record Office.

comprehendet, non omnium facere omnem diligentiam ut sub spe jussionis Papæ opus perficiat, si forsan postea aliquo modo id habere possumus]. Post hæc scripta, venit ad me iste, dicens minatam fuisse ab alio mortem si scribat. Unde magis territus est; et dixit velle non solum ut jubeat Pontifex, sed ut rogat eum. Ego autem ei persuasi quod negaret se scribere, et tum opus continuaret, quia ego scripsi ad Majestatem vestram ut super hoc ad Papam scriberet, nec verebar Majestatem vestram scripturam, et Papam ad ejus instantiam ipsi jussurum [Ego autem feci eo respectu quo supra :

Episcopus frater, Hipolitus de nobilibus], scribit se fuisse ægrotum et propterea non potuisse scribere pro Majestate vestrâ; nunc autem cum recuperaverit sanitatem pollicetur se scribere, et ita scribere ut Majestati vestræ satisfaciatur.

[Fuerant reperta aliqua brevia, de tempore Julii. Adhuc nescimus an data alicujus eorum sit inter illos dies quos volumus.] Cito erimus de hâc re certi et significabimus Majestati vestræ.

Ultra ea quæ dicta sunt Papæ, communiter feci et privatim pluries cum Sanctitate suâ, dixique ei omnia quæ mihi succurrerunt, ad effectum ut eum inducerem ad aliquid faciendum de his quæ Majestas vestra cupit. Tandem nullam conclusionem ab eo habere potui. Visum est autem non ab re ut Majestas vestra de his certior redderetur.

Cum Papa prætenderet non debere hodie concedi epistolas decretales, et hoc ex eo quod, ex decretalibus antiquorum in volumen redactis, Jura nunc sunt declarata, quod tunc non erat, dixi ei quod hæc non erat sufficiens ratio; primo quia quilibet, etiam cæcus, potest videre quod et decretales inter se et doctores super eis scribentes ita ad invicem pugnant, ita aliquando et sibi contrariantur, ut pauci possint se super eis resolvere; propterea quod ideo usus est decretalium non ita frequens nunc est, quia post creationem tribunalis Rotæ, multæ causæ ex diversis partibus mundi in curiâ remanserunt. Attamen non propterea potest negari quin etiam hodie decretales a sede Apostolicâ emanent. Quid enim aliud continent rescripta quam³ in formâ humilibus aut aliâ formâ com-

³ It is probable that *quæ* should be substituted for *quam*. But this alteration will not unravel the grammatical confusion of the rest of the sentence.

munitur ab officio contradictarum emanant? quod infinita Brevia super commissionibus causarum, visi decretales, licet ut plurimum ob ignorantiam illorum qui talia formant, vel ignaviam ad fugiendum laborem studii fiat in hujusmodi rescriptis conclusio procedatur prout de Jure; quod tum propter id quod non est decens ut sic fiat in causâ nostrâ nullo modo fieri debet, cum ad ipsummet Papam recurramus, nec ei liceat ignorare jus, nec liceat ita respondere ut ad jus se remittat, viz dicendo quod fiat quod est Juris, et sic ignotum pro ignotis declarare.

Cum videretur Papâ prætereundum quod isthic non essent reginales inclinati ad dissolutionem matrimonii, prout nos præteendebamus, dixi ei quod tanto magis poterat et debebat Sanctitas sua causam ibi committere; præsertim tantæ multitudini quanta est in provinciâ Cantuariensi, attento maxime quod notorie constat posse isthic unumquemque libere dicere quod sentit, ut videri possit ex his quæ adversarii nostri dicunt, quod jactant se quod multi sint in Angliâ qui pro reginâ aperte sentiunt; quod non esset, si Majestas vestra non permitteret unicuique libere loqui.

Cum videretur Papa minus tribuere auctoritati Universitatis Parisiensis propterea quod numerus doctorum illius Universitatis, ut Cæsarei asserebant, fuisset pro parte Reginæ; dixi ei quod tanto majus fundamentum debebat Sanctitas sua facere, in consilio per nos ei exhibito. Nam sic constabat nec Majestatem Vestram nec Regem Christianissimum in hac re usos fuisse aliquâ arte aut illicito medio, prout videbantur adversarii innuere. Et quia dicebat adversarios dicere Parisiis esse statutum, quod in arduis requiratur consensus duarum partium, et quod talis consensus non intervenerat in obtinendo nostro consilio; dixi quod si extaret tale statutum, aut saltem esset in usu, non erat dubitandum quod illi qui erant pro parte reginæ scivissent et potuissent illud statutum in lucem producere, et sic nos impedire quominus haberemus sigillum. Cumque videretur Papa, auctoritati dictæ Universitatis minus tribuere, et ex eo, quod in eorum consilio non exprimeretur ratio quare illi ad id moti fuissent, dixi non propterea minus fidei debere præstari, quia sic consuevit Universitas illa semper rescribere; quod ex refutatione articulorum Lutheranorum superioribus annis factâ, potest videri.

Dum diceret Papa quod, prout nos habebamus consilia Universitatum etiam particularium personarum, ita et adversarii nostri haberent; respondi quod nos in esse habebamus, illi in spe, et quod facta debebant prævalere verbis.

Dixi etiam quod in re Theologicâ debebat Sanctitas sua attendere quod majoris auctoritatis erat Universitas Parisiensis quam omnes aliæ, cum Parisius Athenæ essent Cristianorum. Dixi etiam Papæ quod superioribus annis sciebam Angliam fuisse causam conservationis auctoritatis suæ et sedis Apostolicæ; et quod caveret ne nunc esset causa contrarii effectûs, et quod ego sciebam inclinationem aliquorum finitimorum esse talem ut omnino negotio omnes facile deficerent, præsertim cum res illa secum traheret libertatem quandam et etiam utilitatem.

Dixi etiam quod recordaret quod superioribus annis et in Angliâ forsitan aliquid mali pullulâset nisi ipsamet Majestas vestra occurrisset; quare aliquam debebat habere de eo rationem, [et quod non debebat per generalia hæc pertransisse, prout poteram esse ego bonus testis, qui sciebam imperatorem in Hispaniâ nihil unquam erga Majestatem vestram opposuisse, tempore quo inter ipsum Papam et imperatorem erat bellum, nisi quod Majestas vestra suis pecuniis hostes suos fovebat.]

Dixi etiam quod Pontifices, sui prædecessores, non ita lente in talibus occasionibus se gestârunt prout ipse; nam cum videbant aliquid periculi imminere, animum et vires resumebant, et viriliter providebant; et cum responderet quod etiam ex parte Cæsaris imminabat periculum, replicavi ei quod bene libraret et ponderaret, num majus periculum Sanctitati suæ et sedi Apostolicæ immineret, et tanquam prudens, acciperet tutiorem partem; [innuendo sibi quod Sanctitas sua poterat videre imperatorem aut nolle aut non posse providere quominus concilium celebraretur; Quod si alii principes non obstarent, ut necesse erat ut concilium celebraretur. Hoc autem si fieret non debebat dubitare de diminutione auctoritatis sedis Apostolicæ, et totali destructione suâ, cum a ducentis annis citra nullus Papa ex conciliis evasit Papa.]

Dum Papa peteret quare non veniremus ad judicium coram eo, dixi sibi quod non debebat de hoc mirari, cum ipse esset ignarus et Theologiæ et Juris, et sic sua resolutio non pen-

deret a suo Judicio, sed aliorum qui facile possent aliquo medio trahi in partes Cæsaris, præsertim cum facile sciri posset qui sint illi quos Sanctitas sua super hâc re consultura sit. Quare debebat Sanctitas sua causam in Angliâ committere, præsertim cum, ex eo quod semel eam ibi commisisset, videbatur jam effecta delegabilis.

Dum quâdam die solus ivissem ad Papam eâ intentione ut omnem conatum facerem de inducendo eum ad satisfaciendum Majestati vestræ, tandem nil potui ab eo habere; sed postquam multa replicaverat ad ea quæ dixeram, et ego frustra ejus responsiones tollere paraveram, dixit quod [multo minus scandalosum fuisset dispensare cum Majestate vestrâ super duabus uxoribus quam ea cedere quæ ego petebam.]

Cum autem ego, nesciens an hoc esset ad propositum Majestatis vestræ, conarer a sermone, quem super eâ re introduxerat, eum divertere, et ad ea quæ ego ei dixeram ipsum reducere; tandem, absque eo quod mihi aliquod ad ea responderet, [sermonem, quem de duabus uxoribus coeperat, prosecutus est], plures difficultates etiam in eâ objiciens, [sed præcipue quod imperator nunquam in hoc consentiret, ob præjudicium, quod ex hoc principes sæpe ruerent.

Ego autem, ad hunc articulum respondens, dixi ei quod non videbam quomodo imperator in hoc esset audiendus, cum si, jure permittente, via aperiretur Majestati vestræ ad sobolem masculinam, nullam haberet Imperator justam causam conquerendi. Sic enim esset, si regina Angliæ moreretur, et cum Majestate vestrâ ad aliam uxorem accipiendam, ubi ob aliquod impedimentum consanguinitatis vel affinitatis dispensatio requireretur, dispensaretur, posset imperator conqueri ex quo, ex his posset præjudicium principissæ provenire.]

Tandem, nullâ ad hæc factâ responsione, Pontifex me dimisit; licet autem, ut dixi, nescio an hoc esset ad satisfactionem Majestatis vestræ et, dato quod esset, non visum mihi fuit ex verbis imperatorem⁴ certum fieri posse fundamentum, ut etiam si Majestas vestra de hoc contentatur, ipse esset hujusmodi dispensationem concessurus.

Tum visum est mihi officii mei esse omnia ad Majestatem vestram scribere [visâ duritie Papæ circa negotium Majestatis vestræ, et quod nulla spes haberi posset, videbatur

⁴ Perhaps meant for *imperator* by mistake of cipher.

ut merita Majestatis vestræ erga Sanctitatem suam et sedem Apostolicam eum moverent ad disponendum scilicet cum Majestati vestræ satis faceret, decrevi tentare an eum moveret, proprium interesse videlicet periculum quod ei et huic sedi ex hâc causâ imminebat.

Itaque] præter ea quæ egomet ei dixi, de quibus in alio folio scribo, adivi aliquos Cardinales qui multo plus aliis cupiunt quietem et exaltationem hujus sedis. Ostendi eis pericula sedi Apostolicæ imminetia, non solum ex Angliâ, sed etiam ex aliis locis vicinis; asserendo quod ego de his dolebam, non tanquam servus Majestatis vestræ solum, sed tanquam membrum hujus sedis, et quod non temere hoc dicebam, et quod jurabam hæc non esse conficta ad incutiendum timorem, ut nonnulli putabant. [Visi sunt Cardinales ipsi non parum ex verbis meis moveri, ac ita ut tandem dixerint, se velle per se et alios conari ut Papa de periculis his fieret capax, et disponeret se ad adhibendum aliquod remedium. Fui etiam cum Sangâ, Majestati vestræ noto, qui apud Pontificem non vilis est autoritatis; et idem officium feci, ipseque similiter obtulit, se facturum cum Pontifice quicquid posset, ut periculis occurreretur; verum est quod conjeci, non omnino ipsum ea quæ dicebam credere.

Quare puto et Papam et omnes suos in hâc re suspenso et dubio animo stare, donec isthinc a nuncio Papæ habeant litteras, quas ostendant dum modum⁵ desiderari, expectare.

Est hic etiam quidam dominus Philippus de Senis, vir certe maximæ autoritatis et gravitatis in hâc curiâ, et qui rem nil aliud cupit nisi conservationem hujus curiæ, libenterque pro viribus laborat ut occurratur omnibus periculis quæ imminet huic curiæ. Verum cum ipse sit mihi amicissimus, adivi eum, eique narraui quod periculum huic sedi immineret; qui visus est maxime indolere, promisitque se efficacissime velle in re hâc aliquid, et præsertim cum Reverendissimo Anconitano qui in negotio hoc in effectu totum potest.

Cum Papa ostenderet magnum facere fundamentum quod sibi dictum fuisset, debere sedem Apostolicam dispensare, etiam in gradu in quo alias dubium esset an Papa posset dispensare, quod ex dissolutione matrimonii verisimiliter oriretur scandalum; respondimus ei quod nihil ad rem, cum

⁵ Perhaps a mistake of cipher for *jamdudum*.

nusquam in mundo reperiri possit quod cum nolente dispensetur. Diximus ei quod⁶] nunquam defendetur quod in ejus brevi scriptum est, scilicet quod prohibitio de quâ agitur sit de Jure positivo; cum juxta Canonistas clarissimum sit quod est de Jure Divino, et quod debet Sanctitas sua accuratius in his scribere, cum, si inveniatur in uno errare, justa detur causa et in aliis dubitandi.

Videtur Papa semper perseverare in eâ opinione quod multum justificet causam Reginae, oblatio juramenti quam ipsa facit Majestati vestræ; ad quod fuit responsum quod oblatio claudicabat, quia nihil ex juramento poterat Majestas vestra reportare, regina autem multum; ita quod juramentum non erat præstandum in causis quæ non pendebant a nostro consensu. In hoc autem casu in quantum ageretur de divortio, nulla consideratio erat consensûs, quia ex solo consensu, non potest induci divortium.

Dum Papa videretur aliquantulum ægre ferre quod non veniremus ad judicium coram eo, dixi ei quod causa hæc erat gravis, et talis in quâ Rex volebat per se ipsum et non per procuratorem agere, et quod non cogeatur per procuratorem agere, personaliter autem non poterat huc venire, nec ipse nec Regina, ut notorium est; facimus autem nunc per doctores qui a consiliis Majestatis vestræ sunt. Utinam hæc viribus subsistant⁷.

⁶ Omitted in copy.

⁷ This document is on three different sheets, two of which are endorsed 'Serenissimæ Regiæ Majestati,' the third being half a sheet unendorsed. It is partly in cypher interlined with a contem-

porary decipher which is very difficult to read, and which has been copied most exactly in another hand, as if it were one consecutive document on two sheets of paper, endorsed 'Ex literis receptis primo die Octobris.'

Number CCVIII.

*Copy of a letter written by Croke to Cranmer about the
beginning of October 1530.*

Vitell.
B. xiii.
fol. 121 a.

MASTER Cranmer,

After most hearty commendations these shall be [to advertise you] that I have spoken with Pandulphus Cynamius, which saith that [he had letters] of bank for Christopher Kingston for 40 ducats from Ant[onye Bonvice, and] because Master Kingston was dead afore the letters came, he returned [them] unto the said Bonvice, and thus the 40 ducats resteth in his hands. [And] Ant[onye Bonvice] hath desired them to be sent to him, so that all will be [well]. Take heed to it betimes, and if ye be executor, ye must get the s[heriff of the] town where Mr. Kingston was born, to testify that ye are true exe[cutor]; then make a letter of proxy to some man, giving [him] authority in your behalf to receive, pay, make acquittance, and by the [same] letter declare *quod habebitis gratum et ratum quidquid ille nomine vestro fecerit*. His books I hear say be worth a great deal of money.

I have ascertain[ed] you by my last letters how I had the seal and determination of the di[vines] of Ferrare, and how I lost it by means of a friar that Sir Greg[ory and] my lord of London put in trust with the king's book. And, sir, ye sh[all] understand that if that friar and Cassalis had not been, I had had a[ll the] lawyers of Ferrare to determine with us for money. The which also, thanks be to my lord of London, to the loss of 72 seals of [doctors of] the law unto the king. And ye shall understand that my lord, by ca[use I will] not ascribe to him mine only labours in getting of the instrument of P[adua], commanded friar Ambrose, with whom I had entreated for the correcting of the instrument to the king's pleasure, in no wise if he obtained the sa[me] to deliver it unto me, but unto Cassalis. Further, he made Cassalis p[rivy] of such things as I had compassed at Ferrare, and caused them

to send a friar thither to pick away my thanks, or else to enlessen, and, in despite of me, to hurt the king's cause. And further such [lawyers] and friars as had by my procurement, as ye know by the names [that were] wrote out of my subscriptions at your going to Rome, he would n[ot give] one half-penny unto, nor leave with me money to give them. And he told [Sir Andrew de] Cassalis that I had complained of them, and exhorted them that they should [do all] they could, saying by me these words: *Ne hic nebulo ansam habeat con[que-
rendi] adversum vos*. I pray you for the passion of God, as ye intend the sta[ying the] king's friends here, and increasing of, and will not have us lose all; th[at friar] Thomas and good friar Franceys, the which hath done so much fo[r us] and now is sore sick at Rome, may have other some promotion or some [reward]. And also Simonetus, the which 3 are by all ways daily assailed by [most] foul means to swerve from us by the emperor's ambassador. The which telleth [them] they shall have other rewards than a few crowns, and laythe for ex-[ample Felix] and Berges, to whom the emperor hath given promotion above 600 crowns. I can do no more, if men see no fruit of their labours past. All w[ays] I pray you, and as ye love the king and his causes charge you, that [he] may be advertised of these things, and that remedy may be short[ly had]. Yourself know somewhat whereof I pray you to advertise my lord [of Wiltshire] or the king, or else all will be lost. Leonicus got us Simonetus a[nd] Ambrosius, and hath promised so highly that ye would wonder [that h]e so nothing at all performed his promise, that men g[o away] off us all in a manner for his sake. The halting horse [is at Padua, and cannot] ever since stand at [all]

Number CCIX.

Copy of part of a letter from Croke to Cranmer, complaining of Raphael and of John Cassali, written the 8th of October, 1530.

Vitell.
B. xiii.
fol. 121 b.

. . . . s letters unto the king I bought and caused certain books of Greek to be [written] out for him. I paid for a chariot to carry his gear, his men's me[at an]d drink from Ferrare to Bononye, and many a time for his boat, and thi[s] thanks he rendereth me. I pray you let me know what words he hath of me to the king, and how I shall convey my letters to you. I sent by my last letters unto you a letter to the king, and the copy of the instrument of Ferrare, and divers copies of other letters, as well to the king's highness as to you. I pray you to move my lord of Wiltshire, and my lady Boleyne to move the king to be good to me, and that I may have money and authority of an ambassador, the which if I had had, I hear say that I had recovered the instrument again. If, this obtained, I bring not the king's purpose quickly to pass in Italye, let the king hang me, draw me and quarter me at my coming home. I desire not this, as God help, of none ambition, but only to avoid the stoppes and lettys that Cassalis maketh me by enlessening my credence in all parts; or, if this cannot be, I care not so Cassalis be charged to meddle with no man without my consent and knowledge, for else we shall not make so fast one day, but we shall mar as fast another.

Rhaphael hath, as I hear say, written against the king. I mean not friar Fraunceys' man, but the canon of Padua, that so often afore had written for the king, whose counsel I had in my hand; and because he told me that if he had that counsel again that he would write against the king, I would not without one copy have delivered it again, unless that my lord of London said that he else would have complained unto the king of me. I told my lord what would come of it. I assure

you the king had been better lost an hundred crowns. But because he might pay nothing for his meat and drink unto Cassalis he thus hath conspired with Cassalis against me. My lord also hath given commandment to those friars whom I retained, to meddle with Cassalis, and not with me. Money he hath left none with me, and this day, being the 8 of October, was offered unto me the counsel of Rhaphaell, as well for the king as for the emperor, to the king's great illusion, for he affirmed in the emperor's defence *quod consilium pro rege Angliæ conscripserit tantum ad ingenii exercitationem*. I am told that my lord kept still in his hand a letter that, devised by me unto Rhaphael, I sent unto him to look upon, and, upon his counsel, to send or not to send it unto the said Rhaphael. And now, I doubt not, but that is to prove, that by reason that I would not render unto him again the said counsel, that Raphael did write against the king. But the date of my letter, compared to the date of the book sent unto the king, will deface that their false surmise. For the book was a printing, or that my letter was written, and no doubt Cassalis knew of, and that was the cause that they made instance to have the copy out of my hand.

Number CCX.

Copy of a letter written by Croke to Stokesley vindicating himself and remonstrating with Stokesley for having accused him. Perhaps written the 8th of October, 1530.

Vitell.
B. xiii.
fol. 122 b.

MY lord, these shall be to ascertain you that when your pack and bed-staffs were brought to Maister Harwelle, at the first opening, there lacked 2 of your curtains; the which I marvel at, for it was never opened ne looked in by me or any of mine.

My lord, I marvel that your lordship would bid Ambrose not to deliver me the confirmation of the instrument, but to Cassalis, the which hath reported here how ye would have dealt with Fraunceys, and that ye yet owe money to the cobbler for cobbling of your shoes, and hath caused friar Bartholomew to ascribe all his pains taken for the king to his sollicite only, and nothing to you, without whose reasoning and authorities given in writing, his work would have been very slender.

Notwithstanding I have been in hand with the friar to amend that by writing a letter unto the king. Verily I trow, save Pagninus, the king hath had hitherto no friar that hath written like him. Friar Thomas' other work is almost at an end. My lord, I am informed that ye sent word to Sir Andrew de Cassalis and Previdellus what I shewed you secretly at Rhegium; and this plainly was told me, that your lordship should exhort them now to play the men, and set forth the king's cause that they might, saying these words by me: '*Ne hic nebulo habeat ansam conquerendi de nobis apud regem.*'

My lord, I have not deserved that ye should thus say of me, and, if I had deserved, yet *tu indignus es qui hæc dicas*. But my trust is in God that at length ye shall see cause why ye ought to love me, and hate them, for whose cause,

upon suspicion and false report, ye have handled me as ye have.

W) Syr, Leonicus will none of the horse, and crieth out both of you and me, and intendeth to utter his displeasure in a work, the which he wol eder⁸, as he saith, under the name of Mr. Pol or my lord of Durham. Notwithstanding I shall, as ye shall perceive at length, do the best I can to pacify him.

The emperor's ambassador daily doth the best he can to win from the king Symonetus [and] Thomazo, nor spareth nother for threat ne promise. And father Fraunceys is sick at Rhome, and hath no comfort. The emperor hath presented Felix, Berges, and another to above 6 hundred crowns a man; and said to divers of the king's friends, that if they would do for the Queen, their reward should be another thing than a few crowns. Syr, men be weary of our promise, and looketh fast upon the emperor's deed. And the conclusion is, if the king look not upon these 3 betimes and Leonicus with some notable reward or some promotion, all will swarve.

Money I have none to stay them, nor dare not promise; and am ashamed that I have promised so much and can do nothing. Friar Bartholomew, for his work and journey to Padua, had no more but 3 crowns. For the passion of God move the king's highness to do somewhat now for his friends or never.

The protonotary told me that Raphael hath written against the king sore. And this day I was advertised by a friend, whose letter I would have sent unto [you] if that Symon had been with me, that Ambrose hath procured [subscriptions,] and will procure as much for the Queen as for us, whereof [I have had no] proof [as yet nor leisure to go about to try lation with him⁹]. But Simon hearing of tion of the said money, retained that letter and the money and w fol. 123. an other. In the which I made him promise if he dy largely. The horse is utterly marred and is at Padua and [is gone back] to Leonicus, the sight whereof made him much more an[gry than before] and he thought

⁸ Probably meant for *edere*, meaning *to publish*.

⁹ Scratched out.

himself mocked by us, and so I have paid hy[m the money]. I trust your lordship will see that I have no loss. There is n[o getting so much as] a ducat for the horse, for he is now but upon 3 legs nor worth [nothing] at all. . . .

I pray your lordship to send me word what I shall do. [I sent] unto you a letter that Ambrose wrote to me; and he told my serv[ant that he] would make a great complaint upon you to the king, and writeth [thus to me]: *Episcopus imposuit illi ut tantum solum ageret in causâ regis quantum illi cõn cum quo in camerâ fuerat secreto collocutus*. My lord, I cannot tell gere meaneth, nor why ye should thus deal with me; for if it [should appear] that I ever hindered you word or deed let it be avowed to [my face, or] let me die. Wherefore upon a false surmise thus to deal with me [after friendship] that I have borne you and the good service that I have done you [methinks] that I am not well handled, and so much the worse because [all our] success in the king's causes is hereby hindered, and they whom [I only have] got the king, alienated from me, and you about to ascribe all [successes] to you and Cassalis. I am now, albeit too late, fully informed [about all] your saying and doings in this behalf to my great disconsolation]. I trust yet, I trust that God shall help my truth and right had laid the surmises to my charge and seen them avowed the which I know well no man could do them thus to han not but think that I were well served. My lord, this your dea[ling with them] hath put me out of credit; so that I can do the king no more [service here] nor in Italye. And now I know why ye kept my letters divers [times secret,] the which I sent to you to have your advise whether I should [send them or no]. Now I know why ye sent Pallavicinus to Ferrare, and why y[e made] Cassalis privy to that that I had long before obtained there. [By the] which ye have done the king much more harm than ye think My letters sent to Mr. Benet ye neither did well nor justly ffi the only occasion why I wrote the letter and ye were the man that sa ye had written nothing of Dionysius to Doctor Benet and the n the letter was your only device in like-

wise as ye made me to things to
 the king of the Senate and Cassalis which I would
 upon your credence have written. And ye do
 all that that ye can to p of credence
 and to avaunce the which, shall never do ye good. And
 God to help me and succour
 me and to give men as they wo

Venice, the

Number CCXI.

*Letter from Croke to Francesco Georgio, acknowledging
the copies of the breve.*

Vitell.
B. xiii.
fol. 111 a.

REVERENDE domine, salutem.

Accepi literas cum brevibus Octobris 10 admodum oportune. Nam de [iis] ceptum est dubitari. A Londoniensi literas accepi in quibus sero nimium hortatu[r quæ] penes me erant consiliorum exemplar ad Reverendissimam Dominationem et Dominum Benedictum ca Nam ex regis mandato omnes archetypos ipsi tradidi. Sed quoniam nunc Rho[mæ est] doctissimus vir Hanibal Grysomus, cujus pro rege consultatio Londoniensis judit[i]o optima] est, ab eo ipsam habere poterit Reverenda Dominatio vestra. Scripsit hoc Londoniensis ad me ex regis mandato ut ait. Quare cum hic operâ nostrâ jurisperitus in Rho[mâ irr]ogabit, nihil non poterit ab eo impetrare in regis gratiam D[ominatio vestra] Est enim mirificâ vir humanitate et in regem nescio dixerim charitate, [an] fide. Quem illius animum ut neque Londoniensis neque ego cessabimus prædicare [et] amplissime commendare, ita regis negotium a me exigit ut regis nomine quam in regios omnes soletis exhibere humanitatem. Bene valeat Dominatio [vestra]. Si Dominatio vestra sæpe ad me tanquam ad fratrem quod ego ad vos sæpius tanquam scripserim.

Venetiis 11 Octobris MDXXX.

Number CCXII.

*Copy of a letter from Croke to Raphael, urging him to return
to the King's side, written October 14, 1530.*

REVERENDE pater, salutem.

Vitell.
B. xiii.
fol. 122.

Audio paternitatem vestram dicere quod quia ego [librum
vestrum] tempore non restituerim, vos in favorem Cæsaris
contra regem scr[ipturos] esse, testatum quod exercitii tantum
causâ pro rege scripseritis.

Scit patern[itas vestra,] antequam ego a Veronâ redierim
(ut mihi redeunti dixistis) prioris et fra[trum impulsu pro]
Cæsare destinâsse vos scribere. Non igitur puto quod contra
quam res habet [paternitas vestra] unquam aut scripserit aut
dixerit, sed igitur vos pro Cæsare scripsisse, [et non quod ego]
noluerim restituere quod mihi describendum Venetias redeunti
a Ver[onâ exemplar dedistis,] et ut id fratribus, ad repor-
tandum idem Venetias missis significarem [litteris].

Ego nunquam negavi me restitutum, sed quia totum non
descripseram, un[um exemplar] cupieram retinere. Rogo,
si de me ista dixistis aut scripsistis, ma[ximâ cum fidelitate]
libere mihi significetis. Interim moneo ut scriptis ad regem
literis, [quæ] edidistis doceatis vos invitum impulsu prioris et
fratrum ista scrips[isse] ut nobis ignoscat, ne sibi
illudi credat, et ita a Pontifice exig contraria scribatis
apertum est aliquid vos contra conscientiam pro me
scripsisse, ut sententiam quam in diplomate minatur Pontifex
in p (quod absit). Bonus est rex, et qui timori vestro
facillime ignoscat, max[ime propter] constantiam, quam vos
coram priore et fratribus præstitisse ipse me in itinere [sæpe]
vidisse scripsi. Scripsi enim, quod verum est, quod librum
mihi non rogatus p[ræstitistis], et quod palam cum priori et
fratribus contendistis, regem justissimam habere cau[sam] . . .
ri hoc opus Deum non solum ipse precibus sollicitaveritis, sed
etiam ut sacris Deum pro nobis sollicitarent impetraveritis
scilicet ut scripturæ negotio illud solum inspiraret
quod ipsi maxime, gratum verum et piu[m]

Nec credo Deum tam piis votis et religiosæ humilitati defuisse. Hum[ilibus enim] tam largitur liberaliter quam superbis infensus est. Hæc omnia pro n[ostrâ] fide cum fidelissime nunciata sint, non dubito quin doctis et huma[nis veniam factis facillime impetraveritis. Quas si hinc ad regem [scripseritis, per] fidem Christiani, juro, me cum omni fide et commendatione ad M[ajestatem ejus] transmissurum, et omnia secretissime habiturum.

14 Octobris.

Number CCXIII.

*Copy of a letter from Croke to Cranmer, dated Venice,
October 17th, vindicating his own fidelity and services
and requesting Cranmer to represent the same to the King.*

MASTER Cranmer,

This after most hearty commendations shall [be to tell you] that this book printed or my lord went out of Venice th[e very] last day of August had never been printed had not my lord [of London] forced me to deliver as well the same as a copy that I had writ[ten of it] to Cassalis, for as I alleged to my lord then being very loth for . . . to deliver the said copy the said Raphael at the deliverance of [the same] unto me told me that he had no more copies but that. And at m[y return from] Verona the said Raphael also told me that upon the receipt of his [copy, that] he would immediately set forth his work in the Queen's favor . . . profe that I shewed my lord. So then, notwithstanding he threatened me . . . unto the king unless I then would deliver the said copy of whose [labour] what fruit is come I have ascertained the King at length, and ye shall [perceive] that my lord the 4 or 5 and twenty of August [did receive] at dinner a letter written to him from Rhaphael, upon the which I devise[d] . . . an answer, and sent the same open to my lord upon his judgmen[t to be] sent or suppressed. And my lord bearing me in hand that he [sent the] said letter, reserveth the same with him for 2 causes; first to p[rove that] the work that Rhaphael had made against the king was ma[de because] that I would not render his copy again. The which surmised [date] of this book compared to the date of my letter and saint B[artholomew's] even, the which was the first time that ever my lord spake p[rivily to me to] render the said copy, will convict and prove untrue. Secondly [he reserved] that letter to prove that I had got divers things procured by him an[d them] out of their hands, and ascribed them to my labour, the which [if I do not

Vitell.
B. xiii.
fol. 124 a.

dis]prove, or that I do not prove the contrary true, let the king hang [me, draw me] and quarter me. But they by this mean go about to take my labors [from me,] and that not only but also to let that I should be [thought] able no further [to help] the king's cause. And for this cause my lord left all the money w now with me ; and commanded that those friars which I had gotten only [should commune] no more with me but with Cassalis ; as appeareth by their letters of Leon[icus, of] whose gravity Mr. Pole can tell you. And by the letter of friar Ambrose [you may] understand that my lord hath made so many promises here and [so little] performed them, that he much hath hurt the king's cause. And he h[as brought] the king and the realm such shame that the king had been be[tter have] spent ten thousand pound than to have sent him hither What I had done for the king or ye went to Rhome ye [know. What] I have done since it were pity that I should lose my have then that utterly have let the matter and shamed you therefore to be suitor for me. Sir, I sent unto y courier dwelling without Temple [Bar] a letter certifying

fol. 124 b. [a]nd a copy of the instrument and determination of Ferrare, with all the which was in my hands 3 days, and with the same a letter unto the king's highness with copies of divers other letters. I beseech you to be good solicitor for me, and as ye love the king, keep nothing from his knowledge that ye think to pertain to the hindrance of my good endeavour in his causes. And thus fare ye well.

. At Venice the 17 of October.

Number CCXIV.

Copy of Croke's letter to the King, of the 19th of October, from Venice, suggesting the exposing Raphael to the penalties of the Pope's breve, for having written first on the King's side and then against him.

PLEASE it your highness to be advertised that the sundry Vitell.
great impediments and slanders that mine absence in your B. xiii.
most high cause at Venice, forceth me to make most humble fol. 126 b.
suit unto your highness to vouchsafe to hear my other long ad med.
and tedious letter read unto your highness, or by Mr. Cranmer
only to take the report as well of the same as of all other
letters and copies sent by this messenger, whom by the mean
of your loving subject, Edmonde Harwell, I have conducted
and hired from Antwarpe to England, that your highness
might the sooner have knowledge of the said slanders and
letts, and provide, by your high wisdom, remedy for the
same.

And, after my poor judgment, a better way to fear all
such light cloysterers, as Rhaphael is, to attempt any like
folly in your highness' causes (as I see that many else will do)
cannot but cause the Pope to command the sentence threatened
in his brief to be executed upon the said Rhaphael, which, to
the derision of your highness' cause, not only by his contrary
writing but also by his words and letters, cannot be but con-
victed that he *odio aut metu, prece aut pretio* hath written
against his conscience. I send your highness also, by this
bearer, certain excerpts in corroboration of your highness'
cause, and subscriptions delivered me this day by friar Thomaso,
the which are nothing of that he was wont to give; for, ex-
cept two, the other be rather number than authority.

He hath desired me to send his letters unto your highness,
the which he saith that he will write. I beseech your highness,
till better proof of that that I write, in mine other letters writ,
what soever I send your highness from any friar, to stay your

most gracious favour and credence, for I would rather die than your most [high] majesty should other be abused or deceived by anything sent.

And thus I beseech our most merciful Saviour have your [grace in his] most blessed and perpetual tuition.

At Venice the 19 [of October].

Number CCXV.

Copy of a letter from Croke to the King, October 19th, complaining of Raphael's change of opinion, and urging for fresh supplies of money.

PLEASE it your highness to be advertised that I this Vitell.
 present morning [committed] unto Edmund Herwel to be ^{B. xiii.}
 sent unto the same, certain excerpts m[aking for] the cor- ^{fol. 125 a.} ad med.
 roboration of your said highness' cause, gathered out of a book
 [written] in Greek and also *ex epistolis et panormiâ Ivonis*.
 I delivered also this day to [doctor] Bryanus, vicar to the
 chancellor of Padua, letters to Hanibal, a copy of [your
 highness' case] printed by your ambassador, a copy of
 my letters written from Ferrare, wh[ereby your] highness
 may perceive what for lack of money, what by the meane
 [of a friar] belongynge to Sir Gregorye, and by him sent
 about with your books why[ch are now] in my hands, the
 determination *Theologorum* by commandment of the duke
 [was] gotten from me, and the college of lawyers forboden
 to determine for your [highness], which promised by
 the procurement of the excellent learned man Cœlius
 [Chalcaginus], not only upon their axinge layde down
in deposito, to be content forthwith [under their] com-
 mon seal to deliver their determination in the favor of
 your cause, but [also] to make amongst them a counsel and
 to deliver the same unto me by with every man's
 hand, and sealed with all their several seals. And the
 [number of them] by information is 72. That if it may please
 your highness with instructions [un]to me to send a letter
 credential by me unto the duke of Ferrare, and [also a]
 thankful letter to Cœlius for his pains therein taken, and
 because he [now] writeth in the favor of your highness' cause,
 I have good hope to recover [the loss that I had] there
 again. Now gracious lord as to the printing of your case
 and the [delivering] sundry of the same copies to Augustinus
 de Philibertis, being cousin to the [friar our] enemy Vincetius,
 Padua, Bononye and Ferrare (the which universities [as

now are only] in Italye frequentate and occupied) standing as they stand, [I cannot devise why] it should be done, but craftily to noise your highness' case [abroad in Pavia, Mediolano,] Mantua, Taurino, and so to make men to be more dan[gerous and costly, and] to let the fruit of my diligence, which [intended with my lord of London] only and secretly [to practise in the said places. Nor I doubt not] but my success in places where I shall have no lette shall
 fol. 125 b. shew what I have done here, and what I might have done both here and there if I had had no impediment and let. And Braynus' letter will openly declare unto your highness that your matter as yet was never purposed nor shall not be in the college *jurisperitorum* at Padua; for how should it be possible that the matter should go forward there, seeing that Parisius that is the principal and chief [not] only refuseth not to write, but by procurement of your ambassador, as appeareth by the tenor of his letter, goeth about to let them that hath and would write. This is Parisius' letter word for word written with his own hand, which I reserve as of many other for the proof of my reports and credence.

Eximie et Reverende Domine, diebus decursis, receptis literis tuis, dixi negotium illud esse momenti non modici, esseque propterea supersedendum. In præsentem idem adfirmo; videbit excellentia tua omnia, et cuncta considerabit, et offendet Oratorem Anglicum, Casalem dico, ordinarium Venetiis commorantem, non illum episcopum. Nam cum ipso negotium melius agitabitur. Et bene vale.

Parisius tuus.

Paduæ, 3^o Septembris, 1530.

And doctor Hanibal which hath been very faithful and hath taken wondrous great pains in writing and procuring your highness' friends, upon the receipt of the said Parisius' letters unto him, writeth to me thus word for word.

Desideravi te optime Richarde nimium diu absentem et nunc quoque vehementer desidero, tum ex aliis coram dicendis, tum quia orator iste vester quotidie me sollicitat ut ipsum adeam, de negotio collocuturus, sed et Parisii literis me ad id impellere studuit.

Wherefore your highness may right well perceive that these letters were written by the procurement of your ambassador, to what intent [I] remit the judgment unto your most high wisdom by the tenor of them. And my fidelity bindeth me not to conceal from your highness how that Campegius' secretary Florianus and other his fellows hath come from town to town in Italye, and noised how that their master hath your own handwriting constantly affirming that the Queen was a maid when she was married unto your highness, and that therefore your said highness will not accept an oath to the contrary, upon the which oath (as they say) the Queen hath often time offered to be content that her matter should be decided. But above all mischiefs and slanders and encumbrance here, these pass that are arisen and daily doth arise by this book of Rhaphael Comensis, which I send your grace by this bearer; for I assure your highness that the said Raphael is not only the greatest solicitor [agains]t your highness' cause that the emperor hath in Italye, but also he of purpose [cause]d his work for your highness and his work for the Queen to be printed together, and both to be set forth together that he might to the more detriment and derision of your highness' cause declare his affection toward the emperor; for in the Queen's part he plainly testifieth that his work for your highness was written *tantummodo ob exercitationem ingenii*¹⁰, and that his work for the Queen is his full plain and true mind and opinion; [the] which words the imperials spare not to brag and blow abroad, not only [to the] great illusion but also to the exceeding detriment and harm [of your highness'] cause; for by the example of this book and by the emperor's [ambassador's labour, and by] the persuasion that men have here of [your most regal facility *ad ignoscendum*, all] the friars and friends in a manner the which I had before at-
fol. 126 a.
tained and [upon their pains taken, with] reward convenient for the same retained, now swerve [and so plainly] practiseth like collusion with the emperor's ambassador against your [highness, and some] as I am credibly informed hath faithfully promised [the said ambassador] to procure as much for the Queen as they have and wol d[o for your highness];

¹⁰ The whole of this paragraph in a fragment at the top of fol. appears again almost verbatim 125 a.

and I like the matter so much the worse that friar Thomas [told me himself that] the emperor's ambassador had sore labored him in that point, and [that I find both him] and all the other much fainter than they were wont to [be, and that] I see this friar Thomas and also Dionysius that practiseth for [friar Frauncis] daily resort to the emperor's ambassador and to be more familiar with [him than me] seemeth they ought or could be if they were very fast and [faithful unto] your highness. Notwithstanding I shall do my endeavour to know, and [by my next] letters plainly ascertain your highness who is corrupt and faulty [and also who is] worthy confidence and trust. I know well that to excuse and amen[d the wilful] error of Rhaphael, your ambassador hath procured a letter from the [said Raphael unto] your highness, and this day caused this his book to be printed in the [favour of the Queen's] highness, whose title compared to the other, the one saying that it is [*ex mente Theologorum*, the other saying that it is *ex mente aliorum* [*Theologorum*, in] my poor judgment is not Rhaphaell's opinion but *opinio Theologorum* amendeth the fault and error of the other. I beseech therefore you[r highness] to take heed lest that by these letters and other friars' letters written to off purpose sent over for a color unto your highness that the same and deceived. It shall not be long but by manifest proof I shall [ascertain] your highness of the truth in every point. Now most graci[ous lord, where]as my lord of London writeth to me from Lyons the 23 da[y of September] that your pleasure is that I should send the copies of all the co[unsels that] other do remain in my hand or shall come to my hand unto [your ambassador] to Rhome; surely there remaineth none in my hand, for I [had your] high commandment given to me by your highness' letters so to do, [and to send] my said lord all the originals that I had gotten for your highness off Padua and other subscriptions whereof I sent your highness [copies by] Mr. Cranmer from Bonony; whereof if my lord had told me at V[enice your] most gracious pleasure I would have reserved both of them [and of] . . . one copy for myself. And as for any to come to my hand [hereafter,] it be true that some of the friars hath both written and

alleged to [me and] other men of gravity by their letters, that is to say that my lo[rd of London] hath commanded them to meddle as far in your highness' cause [only as he] shall command them and to deliver him all that they can get [and not] unto me, nor to meddle no more with me; the which most gra[cious lord] I cannot believe that my said lord's wisdom would suffer him to [order], because that he hath known and felt himself so often an[d openly] deceived by Berges Cyprian, the dean *collegii Jurisperitorum* of [Padua and] other that your ambassador hath brought unto him and as your hi[ghness] caused him to trust. Secundarily that it could not escape hi[m] that in so doing he might right well perceive that he should [not amend] the negligence or infidelity of Cassalis but to the hindrance maintain the same to the let of my diligence [and put] all our matters in a great [hasard to be better known to the emperor and the pope than was good for the same or any of our friends.] fol. 126 b.

[My] need compelleth me to do that I am both sorry and ashamed to do, that [I] so importunely ever more to call upon your highness for money; for as shall appear by my count which I now send to Mr. Tuke I have laid forth in your highness' causes above six hundred and forty crowns, so that by the coming of these my letters unto your highness' hands I shall lack above fifty pounds of my diets. And every thing is now, by reason of the water which hath here drowned above three hundred miles in compass, four times more dearer than it was within this month. I beseech your highness to give Mr. Tuke commandment that I be not destitute of money, and I doubt not but shortly to send your highness some great and effectual proof of my diligence. And thus the most blessed Trinity keep always your most noble grace in his most blessed Tuition.

At Venice, the 19 of October¹¹.

¹¹ This letter was followed by another, folio 127, written a few days later, which repeats the same story in nearly the same language. From this latter letter the editor has been enabled to fill up several of the passages which have suffered from fire. The writer evidently withheld the latter letter to supply the place of the first if by any accident it should miscarry.

Number CCXVI.

Copy of a letter from Croke to Cranmer (?) asking him to explain to the King the state of the case between himself and the Cassalis, written Oct. 19, 1530.

Vitell.
B. xiii.
fol. 124 b.

SIR,

I send this day, delivered unto me by friar Thomas, certain subscriptions unto the king, whereof, save two, there is none worth a botton, but be *omnium gatherum*. I pray you mark well the hand; for it is the friar's own hand. And I pray you endeavour yourself to know whether the king hath any other subscriptions of the same hand delivered him by my lord of London or from Cassalis; for then you may be right well assured that my lord hath commanded the friars which I had gotten unto the king to labor all for him and Cassalis and not for me, and so to ascribe all my labours to them by crafte.

In likewise, if my lord offer any counsel of Marquardus unto the king with any subscriptions, it is plain that he hath with friar Fraunceys' cousin Dominicus done in like wise. The which if ye perceive, and as ye would the king's causes should go forward, exhibit unto his grace in my behalf the copy of Leonicus' letter. And I pray you ascertain me of these things by your next letters plainly, and I shall not fail to convey all my success here by your own hands unto the king, the which I trust shall be to his pleasure and yours.

Sir, by this practising of my lord with Cassalis we have first have lost the determination of Ferrare, and are like to lose all the doctors in Myllayne, Cremona, Pavia, and Mantua and Thaurino. We have also almost lost all our friars; and Rha-phael's book is printed in derision of the king; and what was done at Bononye ye know. If ye therefore love the king and his causes, hide nothing from his grace.

And I send my lord of London's letter unto you sealed that ye keep it from him 4 full days and more after that the king hath his letters.

And thus fare ye well, and as ye wol the king's good and have my heart and service for ever, try out these things and ascertain me by your next letters.

Number CCXVII.

Letter from the Pope to the King of France, referring him to the Cardinal of Tarbes for information as to the latest proceedings in the affair of the King of England.

Lettere
di Principi,
tom. 3,
P. 3.

AL Re Francesco.

Tornandosene il Cardinale di Gramont alla Maestà vostra, mi riporterò alla relation sua di quello, che ultimamente ho fatto nel negotio del Serenissimo Re d' Inghilterra, si per compiacere in ciò che posso alla Maestà vostra, si perche spero, che per man vostra potra questa causa guidarsi con pace, et amore come desidero. Delle altre cose assai havevo prima ragionato col predetto Cardinale, quale ho havuto molto piacere, che per nuovo ordine suo sia stato questi giorni di più appresso di me, essendomi tanto grato, quanto persona, che ci habbi mai havuto; et per nessuna cosa più, che per haverlo sempre trovato buon servitore di vostra Maestà, et inclinato al bene, come anco per un' altra gli ho fatto fede; et però non farò più lunga lettera, pregando Dio la conservi felice come desidera.

Romæ, 21 Octobris, 1530.

Number CCXVIII.

Holograph letter from Croke to the King complaining of the friars, and insisting on the services he has performed in the King's cause.

PLEASE it your highness to be advertised, that since the 28th day of August, I delivered unto friar Thomas 23 crowns. Since the which time he hath got your highness but seven subscriptions; the which I sent by Harwel the 19th of October. And of them, two only except, there is not one worthy thank. I have, and do often call upon him; but he answereth me, that there is no more doctors to be gotten. The contrary whereof I know to be true. And when I demand of him, for the declaration of my account, some remembrance of his hand for 47 crowns, which I have paid him, he answereth, that at the end of the cause he will either make me a bill, or deliver me the whole money again. And his cause, why he will make me no bill, is, as he saith, fear lest his bill might be shewed to your highness' adversaries. Of the which pretended fear, I so much the more doubt, because I have taken him twice stiffly reasoning upon the queen's part against your highness' conclusion with a friar of Florence, whom afore this day he always assured me to be of your highness' opinion. Albeit now he saith, the said friar is departed being utter enemy to the same. And in communication, sovereign lord, with me upon his said reasoning with the said friar, he said to me, that the emperor's ambassador should say to him, *Quod si velit procurare pro reginâ non staret intra paucula scuta*, and he added these words to the same, *Crede mihi, Croce, posse me efficere, si velim facere, quod alii velint et faciunt, ut quicquid hactenus fecerim pro rege, illi magis obsit quam prosit.*

This fruit cometh of Raphaell's works put in print, making protestation in the work written against your highness, *quod quidquid scripserit pro eâdem, id omne tantum*

ex aliorum mente, non suâ, ad ingenii exercitationem scripserit: And that the work written against your highness is his very true and plain opinion, and firm and full sentence and mind. What hurt this work (with such works as are in English set forth in England by constant rumour here) against your highness' cause, doth unto your highness' said cause, I have at length by double letters sent by the mean of Harwel from Venice to Antwarpe, and from Antwarpe to your highness by post purposely, ascertained your highness.

And considering that I can get no more subscriptions, neither of friar Ambrose, nor of Thomas, very fear compelling us to advertise your highness, that all these friars were first and only attained unto your highness by me. And Ambrose had of me, for the getting of the Determination of Padua, for his part only, 20 crowns. Thomas hath had 47 crowns; Franciscus for him and Dionysius 77 crowns; as I can right well prove. And, this notwithstanding, when I call upon them for some fruit, of none of their labour, except Dionysius, I can get none. And as Ambrose hath answered me, that my lord of London hath commanded him, *tantum in causâ regiâ facere, quantum ipsi præscripserit Cassalius*; so Leonicus, a man of great gravity and learning, by his letters (whereof a copy I send herein enclosed) ascertaineth me of a worse point. Albeit I trust it be not so. For such commandment could not but be prejudicial, as well unto your highness' cause, as unto my labours taken in the same; and also to the loss of the money that I have laid out to the said friars for the same. Nor I cannot perceive how (if this be true) that I any more may prefer your most high causes in Venice and the parts about; whose importune labour my lord knoweth to have been the principal and chief cause of the success that your highness' cause hath had in Italy. Wherein afore my coming, nor yet by other men long after, there was (as your highness and all other knoweth) nothing earthly done.

And I beseech your highness to ponder my good heart and acts passed, the which shall never (to die for it) cease to further your said highness' pleasure in this behalf with all pain, faith, and diligence, as the effect of my endeavour I trust shall always fruitfully prove. And thus I beseech our

most merciful Saviour Christ long to preserve your most noble
grace.

At Venice, the 23 of October, with the rude hand of your
most high majesty's

Most humble and loyal servant,

Richarde Croke¹².

¹² This document was printed by Strype in his Memorials, and has since appeared in Ellis's letters. There is another MS. copy of it made by Croke himself, in Vitellius, B. xiii. fol. 132 a.

Number CCXIX.

Copy of a letter written by Croke to Cranmer complaining of Stokesley and the friars; written on or before the 23rd of October, 1530.

Vitell.
B. xiii.
fol. 130 a.

MAISTER Cranmer,

In my most hearty wise I commend me unto you. [And I] have now the third time written to you that you must speak [with Antony Bonvice] for Mr. Kingston's stuff; for albeit he sent a letter of bank for [the money, it] was never paid. But because Mr. Kingston was dead or the said let[ter arrived] Cynami returned the said letter unto Bonvice again. Mr. Kingston's books [which are worth an] hundred marks (as Harwell telleth me) yet remain in Pandulphu[s'] hands.] Bonvice hath commanded that they shall be conveyed to him. Wherefore [ye may] better help yourself with Antonye Bonvice than I may do here, other w[ith letters] or with any other testimonial that you be executor to the said Mr. King[ston, as] I advised you in my last letters. Of all other things I shall ascertain you] by my next letters. Albeit that I have sufficiently written of them by [my last] by Harwell the 19 day of Octobre, for the which ye must [apply to] Statlius in Mylkestrete besyde Chepe. And in my letters from Ferrare ta . . . dodo to Genyn the curriar, dwelling without Temple Bar. And by my let[ters sent by Pandulphus Cynamye, the which ye must ask of Antonye B[onvice], the which letters I sent, letters and duplicates, unto the king's high[ness with a copy] of the instrument of the determination of Ferrare, and also two books [unto the] king only. And the other having two works, the one with the king and the o[ther against the] king; in the which the author protested that the works written for [the king were] not his mind, but declamation *ex mente aliorum* and written only *ad [exercitationem] ingenii*, the contrary to be his very opinion and mind. These books

[I have] caused purposely to be brought from Antwerpe in post. And therefo[re I pray] as ever ye will have heart and mind, ascertain me when ye recei[ve any] of my letters and by whom. And whether these gere be [come unto the] king's hand and by whom, and how the king taketh all things con[cerning me] and other, and how he liked my diligence at Bononye. How my lo[rd of London] hath done with me at the king's hands, what our ambassador hath w[ritten about] me or any other, what works he hath sent unto England, and with [what names and] hands the said works be subscribed, especially if there be any sent [by friar] Thomas, or friar Dionysius, friar Fraunceys, or his cousin Dominico. The kn[owledge of] the which things shall not only do me good, but also highly farth[er the king's] business. And prior Thomas I took one day highly reasoning against th[e king's] conclusion upon the queen's part, with a friar whom he now telleth me to [hold the] contrary opinion. I see that all is not sound. And thus fare ye well. A

And in communication, prior Thomas told me that he could find a me[an whereby he] might well enough write a work against the king, the which m[ight so harm his] grace's matter and cause that all that he had done should stand in his grace. I doubt not but he meaneth to follow the example of Rhaph[ael]. And so ye see what] good hath my lord of London done to the king by bidding them w no more to meddle with me but only with Cassalis, for to save the money ought to have paid for his crownes the friar Marcus Janua whose subscriptions Cassalis now sendeth unto the king subscribed afore Franceys' book. And I hear say that friar Thomas now sendeth h[is work unto] the king, the which if he do, he playeth the false friar with me me one work and sendeth another for the work he shew hand, and he hath therein altered many things to may dispense for all the friendship that word by this bearer what 47 crowns my request herein. Sir, I have enclosed fol. 130 b.

herein a billet unto the king, [to] be delivered by you upon your discretion, as ye shall see it most for my profit and not else. I send you herein a copy of Cœlius' letter to me, by the which ye may see that for money we may have all the lawyers of Ferrare. I would the king should write a letter of thanks to Cœlius. This is that Cœlius, *doctor utriusque Juris*, so well learned in Greek and Latin and all things, that wrote *de libero arbitrio* against Luther. His other name is Calchaginnus. He is an earl born, and a man of great lands. I would also that the king should write letters credential to the duke of Ferrare by me in this his matter, sending me privy instructions in this behalf. And never in no letters to the princes of this country express this matter. And I doubt not but to do some good. Write me answer for the passion of God by this bearer or by any other that cometh sooner.

I send to day to the protonotary for the counsels that my lord of London bad me ax of him. And he bad my servant tell me, if I dealed not with a patient man that I should repent me for the writing of letters against him. The which he saith that he hath of mine own hand.

Number CCXX.

Another letter from Croke to Cranmer, written October 23rd, 1530, giving him permission to send the enclosed of the same date to the King or not, according to his discretion.

MAISTER Cranmer,

After most hearty commendations. These shall be to ascertain you that the king's matters by my lord of London's handling cannot so much prosper in my hands as they should have done. And all the friars which I attained unto the king's highness only, he hath commanded to resort only to Cassalis, whereof I pray God there come no harm, for good I know well there can come none. And for as much as I know your perfect zeal to this most rightful cause of the king's highness, therefore I send unto you enclosed herein my letters unto the king open, praying you to read and ponder them with good avise, and in case ye think that the deliverance of them may do his grace any good and me also, in any wise, to seal and deliver them unto his grace, otherwise not. I think that if my lord have enlessened my credence by misreport, that there is no other ways to put him to the rebuke of his untrue lyings of partial covetousness to save his meat and drink that he should have paid the protonotary for, but to deliver the king this letter with Leonicus' letter enclosed in it. In like wise, if ye see the friar Thomas, to send any work to the king. Howbeit, I put all to your discretion and friendship, praying you to do for me in this case as I would, and as ye think that I would and ought to do for you. And ye with perpetual thanks shall have my heart.

Vitell.
B. xiii.
fol. 131.

The 23 of October.

Number CCXXI.

Copy of Croke's letter to the King, written early in November, 1530, complaining of want of money, and of Stokesley's distrust of him.

Vitell.
B. xiii.
fol. 132 b.

PLEASE it your highness to be advertised that Dominicus Trevisanus, cousin to Father Fraunceys, delivered unto me this present morning the counsel of Marquardus in form authentic under the sign and seal of a notary, and subscribed and sealed of 4 doctors. The which I send unto your highness by this bearer. And albeit, most gracious lord, that commandment is given to those friars whom I only attained unto your highness that they shall meddle no more with me but only with your highness' ambassador Cassalis, and albeit that your said ambassador hath not only reserved unto himself Millayne, Mantua, Cremona and Pavia, but also discharged me of Bononye, Venice, Padua, and Verona, yet would I have been ashamed after so long time to send so small a number unto your highness, if money had been left with me, other sufficient for the prosecution of your most high cause, or for my provisions and dietts, whereof, as it doth appear by the sums of mine account and dietts, compared to the days of my continuance here, I shall lack (by the end of this present month) above 60 pounds.

In most humble wise, therefore, I beseech your highness to call unto your most gracious remembrance with what success (while I had wherewithal) your most honorable causes hath gone forward under my hands; and therewith to ponder how that, nother afore my coming nor yet long time after the same, your highness had nother subscription or counsel from any divine in Italy, unto the time that I by effectual success made plain declaration that your highness' cause could have lacked no favourers or maintainers in Italye, if your servants sent thither for that purpose would have lacked nother faith nor diligence. My true, constant and quick reports

whereof to the deface of my credence, albeit men would fain that your highness should impute to come only of my suspicion and malice, yet the copies of such letters as I have sundry times sent unto your highness and the originals whereof I have to shew, written as well with Sir Gregory's and the protonotary's own hands as of the hands of divers other men of great credence, if they other have been read or truly reported unto your highness, hath plain proved the contrary of their imaginations to be true.

That it may therefore please your highness of your most royal justice to call for the copy of the said letters again, and by the tenor of them to give me and my letters the credence that your highness shall think me worthy, that if there were no other proof of my truth, yet the loss of the determination of Ferrare, the book of Raphael Comensis made and printed in derision of your most high cause, will manifestly shew that the things are not so clear as men would make them which book with a copy of the said determination, and Coelius' and Parisius' letters I sent afore by Edmonde [Harwell] . . . to send again by the hands of Pandulphus Cyna[mius] that of your highness can command that marvellous good speed in your highness' cause. Let me return. And thus I beseech Jesu to preserve your highness
of November.

Number CCXXII.

*Copy of Croke's letter to the King describing Raphael's
change of policy.*

Vitell.
B. xiii.
fol. 133 a.

PLEASE it your highness to be advertised that the 18 day of [November], upon information thereof had from your most faithful servant [that] Rhaphael Comensis had again of new written against your highness inscribe that same his work unto the Pope, I thought good to [confer] with the said Raphael myself. And when I came unto him the said [Raphael denied] not but that he had so done, and also gloried in the same, saying [that he not] only would not be, but also not seem to be a traitor unto the [emperor]; when I bad him remember himself well lest by such incon[stancy and] often writing contrary to himself, he might be noted [so as to] destayne his gravity and honesty, he made plain answer [that it could] not be gathered of any his work that anything that he [wrote for] your highness was his opinion or mind; and when I alleged [his book of] late printed, and epistle sent unto your highness, he plain[ly said] again that there was no epistle of his printed by his [leave and] that he delivered his letter written unto your highness sealed [to your ora]tor. And further that by the great and importune suit of [your orator], Rhaphael said that he wrote the said letter, and for writin[g of it] had of your ambassador 8 crowns. And to declare that [he had not] avouched any thing written in your highness' favour to be h[is own] mind, he shewed me a copy of his said letter written [with his] hand, the which I kept, and for the better trial of all t[hings, remit] thereof by this bearer a copy unto your highness, much fearin[g]
. . . and blind your most high wisdom that Cassalis hath oth[er] altered many things in the said epistle and work; for firs[t most] gracious lord there is not one book nor epistle of them put Nor Rhaphael himself as he saith could get none of them report of the printer there were but

4 epistles printed [and only] 4 printed in Italian. And the protonotary himself stood [by while they] were printing and his own hands then brake the for[ms, and further]more threatened the printer that if he discovered the prin[ting of the] said epistle to me that he would cause him to be slain [forthwith.] I send also unto your highness herewith a bill of all the doctors' n[ames] of the college of Padua, that your highness may see how ma[ny] lacketh, and that as yet there is nothing done *collegialiter*. . . . All the college would gladly determine with your highness, wer[e it not for] fear of the senate which hath commanded the contrary. Simonetus hath desired me to promise your highness up[on oath] that after Christmas immediately he will send unto [your grace] his book made in favour of your highness' cause, and he [hath a] letter of your ambassador's own hand, whereof I [send a copy] beseeching your highness to read the same. And in the bill of doctors I have and [I sen]d also unto your highness a copy of Cœlius' letters fol. 133 b. written to me the...[by] the which your highness may perceive what difficulty your highness' [ca]use shall have at Ferrare, and also how Sir Gregorie hath been there [an]d promised the duke's factor which caused the instrument to be taken [fr]om me, and hath forbid the doctors of law to determine for your [h]ighness so to labour unto your said highness that the same shall take no displeasure with the duke for the same. And thus they never cease to appeare the fruit of my diligence. Parisius hath divers times sent to me to come and speak with him for matters that concern the proferment of your most high cause. Wherefore I purpose to go and speak with him. And if it so be as he saith there shall nother pain, faith nor diligence lack in me to accomplish your most high pleasure. And thus I beseech our most merciful Saviour long to preserve your most noble grace.

At Padua the 20 of November.

I trust, most gracious lord, that your highness' ambassador be gone unto the towns that he discharged me of, for there is no man here can tell where that he is become. The cause

whereof, I think, was that when he discharged me of the said towns I said unto him afore witness, that unless he did shortly some good there himself, that I would lay unto his charge before your highness that he forbad me the said places because he neither would do good there himself nor suffer me to do any. What he hath done at Padua, your highness, by the bill of names written unto me with the hand of a doctor, being one of the judges of Padua, and by the same that he, with much less difficulty, a twelvemonth since might have done all that he hath done now, and much more. The correction that friar Ambrose hath sent unto your highness of the instrument of Padua, only hath not amended nothing the matter ; but, also, is now a great let to obtain the same amended, according unto your most high pleasure. If I had been suffered to be privy to the getting of the same, the contrary whereof was commanded, I doubt not but to have got it in form much more available for your highness' cause. And yet I shall assay the same. The emperor's letters unto the friars, most gracious lord, are but credential to believe his ambassador, and that he writeth that he is glad that they to whom he writeth favoureth his cause, saying that he will right thankfully and beneficially remember their pains and labour.

Number CCXXIII.

Copy of Croke's letter to Stokesley, of the 30th of November, 1530, complaining of him for maligning him to the King, and narrating Raphael's change of policy.

AFTER most humble commendations, if it had pleased Vitell.
 your lordship that I should have been privy to Ambrose's B. xiii.
 labour in getting the correction of the instrument of Padua, I ^{134 b.}
 would have trusted notwithstanding to have gotten the same in
 form much much ¹³ available to the king, and according to his
 most high pleasure and yours, and, lest his grace be abused and
 deceived, I send unto your lordship here in a letter enclosed
 of all the names of the doctors in Padua, and who be sub-
 scribed, who not, and of whom it is doubted. And notwith-
 standing that I am purposely destituted of money, because I
 should do nothing, yet I trust shortly to bring unto the king
 little lack of an hundred subscriptions, counsels, and seals.
 And I shall make all the shift that I can to tarry as long as
 I may do the king's highness any good, Albeit the proto-
 notary hath said to divers that I am out of the king's favour,
 and for lack of money shall be fain to go home. And because
 I have sent the king 5 books of Rhaphaell's, 3 printed against
 his highness, and 2 of late, the 18 of October, printed with
 his highness which are not here published, and with
 them a letter to the king from Rhaphael, the very tenor
 whereof, as Rhaphael wrote it, I send unto your lordship,
 assuring the same that the said letter was delivered to the
 ambassador sealed, and not to be printed, nor no other words
 put in the same, whatsoever devise Cassalis hath made in the
 printing thereof. And your lordship shall understand that of
 a surety Rhaphael hath again written afresh against the king,
 and is angry with printing of the epistle, and saith that he
 will testify in the preface of his book that he will be taken for

¹³ Croke probably meant to write *much more*.

no traitor to the emperor, nor that anything that ever he wrote for the king is his mind or opinion. And thus I pray God preserve you, and if ye have done me as much hurt as the protonotary saith that ye have done, God forgive it your lordship. This I am sure of, that ye and all the ambassadors did write against me by his report; and, if the king be displeased causeless with me, that it is upon your report. But the end shall prove that the king's matter shall be highly hurt by the same, to no great pleasure to lordship at length, whom it most behoveth to bare both shoulders. And whatsoever change of me of the king nor the equity

of November.

Number CCXXIV.

Royal Proclamation, of Sept. 12, 1530, against purchasing Bulls from Rome.

A Proclamation prohibiting the purchasing of any Bulls from the Court of Rome.

FORASMUCH as the King our sovereign lord, perceiving ^{Somerset House.} how much the people and subjects of this his realm have been vexed, unquieted and troubled by authorities and jurisdictions legantines, in times of the reigns of his noble progenitors, and so something touched in his time, to the great diminution and prejudice of the jurisdiction and prerogative royal of this his grace's realm; and also where his highness hath by authority of his Parliament lately holden at Westminster, ordained and established divers and sundry acts for the good order and reformation of divers abuses by the clergy maintained to the noyance of his said subjects; to interrupt and let the due execution whereof, his grace feareth that ways and means be sought from the court of Rome. For these considerations, and for that his grace, by the advice of his council and authority of his said Parliament, intendeth to take some order and direction for the remedying of the premisses as shall be agreeable with God's laws, reason and conscience, for the wealth, benefit, commodity and quietness of his said subjects, with the preservation of the liberties, immunities, privileges and prerogatives of his grace's said realm; His highness therefore straightly chargeth and commandeth that no manner of person, of what estate, degree, or condition soever, have, order, pursue, or attempt to purchase from the court of Rome, or elsewhere, ne use, put in execution, divulge, or publish any thing heretofore within this year passed, purchased or to be purchased hereafter, containing matter prejudicial to the high authority, jurisdiction, and prerogative royal of this his said realm, or the let, hindrance or impeachment of his grace's

noble and virtuous intended purposes in the premisses, upon pain of incurring the king's high indignation, and imprisonment of their bodies for their so doing, and further punishment at his grace's pleasure to the dreadful example of others.

Dat. apud Westmonasterium, 12 die Septembris, anno 22 Henrici Octavi ¹⁴.

¹⁴ This Proclamation has been assigned to the year 1532 in Wilkins's Concilia, where the latter half of it is printed from Fox, ii. 273. Fox has printed it very incorrectly, and has assigned it to the year 1532; but the allusions in the first half of the Proclamation are plainly to Acts of Parliament passed in the session which began Nov. 3, 1529. The date therefore assigned in the MS. copy at Somerset House, from which it has been here printed, is correct, viz. Sept. 12, an. 22, i. e. 1530.

Number CCXXV.

A list of forty-three French Theologians who had subscribed an opinion in the King's favour.

QUI jam pro nobis subscripserunt.

After this the names of the forty-three are written in succession, their respective ages being added to their names. The ages vary from *Quadragenarius* to *Septuagenarius*, the greater number being *Quinquagenarii* ¹⁵.

Afterwards the document goes on as follows :

Hii omnes quadraginta tres doctores uno consensu asserunt,

¹⁵ Besides the above there are several lists of Italian and French doctors who had subscribed, preserved in the Record Office. Amongst others the names of the doctors of Paris, arranged in the order in which they gave their adhesion to the cause, beginning with June 13, and ending with June 30; also a list (endorsed by the king *Nomina eorum qui in partes nostras scripsere in Italia*) of 57 theologians, amongst whom appear the names of Georgio, Omnibono, the bishops of Verona and Chieti, and Raphael the converted Jew of Venice. Moreover, there are several separate lists preserved of the numbers of the subscriptions, and names of the subscribers obtained respectively by Georgio, Crocino, Annibal, Omnibono, and Simonetta. There is also a document, occupying three pages, consisting of extracts from Francesco Georgio's letter and from his opinion, from which it appears that it consisted of 35 folios, and also extracts from the opinion of Marco de Mantoa, said

to have been subscribed by him and 34 doctors of law. The names are entered on a large folded leaf sent by Croke to the king, enclosed in a packet with his letter of November 30, 1530. They are arranged in three columns; the first, headed *Subscripti concilio Mantuæ*, consisting of 29; the second, consisting of 32, of whom 11 are marked as absent, and headed *Non Subscripti*; the third, headed *In dubio*, containing 12 names. Probably five from these two columns were procured after the sending of the letters. The paper is endorsed by Croke, *Copia nominum Doctorum Patavinorum scripta per unum ex Judicibus Patavinis*. Of the numerous treatises chiefly in the king's favour still existing in MS. it would be impossible to give an account. One of the largest is a folio volume of 236 leaves, well written out by a scribe, entitled "A compilation of the answer which Master John Abel, priest, lately made against the book of Determinations of the Universities in the king's cause."

prohibitionem nuptiarum inter fratrem superstitem et relictam fratris præmortui esse juris divini et naturalis, ut, neque Pontificis interveniente dispensatione, liceat cuiquam Christiano hujusmodi uxorem ducere aut habere.

Expectatur propediem iudicium Abbatum Cisterciensium qui sunt sex Universitatis Parisiensis doctores.

Præter ante nominatos doctores, sentiunt idem et alii duodecim doctores, inter quos duo sunt episcopi; et duo item Abbates; sed hii nondum subscripserunt.

Number CCXXVI.

Letter from the Council of Ten to Giovanni Vitturi, directing him to authorise Parisio to give counsel about the divorce; written Dec. 1, 1530.

Die primo Decembris 1530 in Cons^o. X. cum additione.

Ser Joanni Vitturi Pottestati Padue.

HAVENDONE cum grande instantia più volte rechiesto il magnifico Orator Cesareo apresso noi residente che siamo contenti permetter chel Eccellente Doctor Domino Petro Paulo Parisio professor in quel studio in ragion civil al primo loco possi consigliar alla càusa del divortio de Angelterra, habiamo deliberato satisfarli et così cum il consiglio nostro di X. et Zonta vi commettemo che facto venir il preditto Domino Petro Paulo solo a voi solo dir le debbiате in nostro nome che siamo ben contenti el possi consigliar alla preditta causa, imponendoli perhò profundissimo silentio ad non ne far parola cum alcuno di tal nostra permissione, Excepto che cum il prefato Magnifico orator Cesareo et per maggior cautezza nostra li daretè Sacramento di observar quanto vi predicemo. Preterea vi commettemo che havuto a voi cum la istessa segretezza, Domino Marco da Mantoa che in quel studio legge rason Canonica, dir li debbiате in nostro nome che per nostra satisfaction el ne faci levar integralmente lo Exemplo de quanto lha consiglià in ditta materia de divortio. Circa li nomi de li Doctori che hanno sottoscritto ad esso consiglio: et che quanto più presto el possi vi dagi esso exemplo: qual havuto ne lo mandarete fato, vostre indreciate alli Capi del Consiglio nostro di X. imponendo medemamente silentio ad esso Domino Marco che di haverli dimandato et havuto esso exemplo: non faci parola cum alcuno sij chi esser si vogli, et de ciò vi farete etiam da lui jurar sacramento. Dandone per vostre adviso de la executione alli Capi preditti.

Venetian
Archives,
Parti Se-
crete,
Cons^o. X.
Filza
No. 3.

—/— 20.

— 4.

— 3.

Number CCXXVII.

*Document addressed to Vitturi, summoning Parisio to Venice,
and permitting him to give counsel about the divorce.*

Die 10 Decembris 1530 in Cons^o. X. cum additione.

Venetian
Archives,
Ibid.

DALLA relation hora facta per il serenissimo Principe nostro et dalle lettere lecte questo consiglio ha inteso quanto è successo in materia de consiliar alla causa del divortio de Angelterra: et essendo ben a proposito trovar modo di satisfacer alla rechiesta del Magnifico Orator Cesareo perhò Landerà Parte chel sij scripto al Capitanio nostro de Padoa che chiamato solo D. Petro Paulo Parisio a se solo debbi imponerli ad conferirse quamprimum alla presentia del Serenissimo Principe nostro: al qual pervenuto chel sij, sua Serenità intervenendo li Capi de questo consiglio cum la solita sua sapientia et accommodata forma de parole li debbi far intender per sincerirlo meglio de la nostra intentione circa ciò, che non obstante la prohibitione che già alcuni mesi li fu facta: la Signoria nostra li permette ad posser liberamente consiliar alla causa del divortio de Angelterra si come li ditarà la conscientia sua: e sij subiuncto ad esso Capitanio che imponi profundo silentio al ditto D. Petro Paulo dandoli un Sacramento, de non dir ad alcuno di esser sta chiamato alla presentia nostra.

—/—	24.	Factæ fuerunt literæ Cap ^o . Paduæ
—	4.	in executione partis suprascriptæ.
—	1.	

Number CCXXVIII.

Permission given to the Emperor's ambassador to take a copy of the opinion given by Marco da Mantoa, concerning the divorce, Dec. 17, 1530.

Die 17 Decembris in Cons^o. X. cum additione.

HAVENDO lorator Cesareo qui residente rechiesto alla Signoria nostra di posser far exemplar il Cons^o. facto per ^{Venetian Archives, Ibid.} D. Marco da Mantoa nella materia del divortio de Angelterra : qual de ordine de questo Cons^o. è sta mandato qui dalli Rectori nostri de Padoa, non si contentando esso Orator dalla lectione tamen di esso consiglio : come li è sta offerto di farglilo legger et una et più volte, è a proposito satisfar alla rechiesta de esso Orator et perhò.

Landerà Parte che esso Consiglio facto per il ditto D. Marco nella materia sopraditta sij lassato far copiar ad esso Magnifico Orator Cesareo iuxta la rechiesta sua.

—/— 19.

— 4.

— 3.

Number CCXXIX.

Copy of a letter from Chapuys to the Emperor, written Oct. 25, 1529, giving an account of his interview with the Duke of Norfolk—the changes consequent on the fall of Wolsey.

Bradford,
p. 256.

SIRE, Tant et si très humblement que puy, à la bonne grace du Vre. Majesté me recommande.

Sire, Jeudy 21^e du present, je regeu les lettres qu'il a pleu à votre Majesté m'envoyer dattées en Plaisance, et entendu le bon playsir d'jcelle, je despachey jncontinent ung des miens, vers le Roy, estant á Winnesor, l'advertissant des lettres, qu'avées à luy, avec charge de luy dire quelque chose de la part de vôtre Majesté, et qu'il luy pleust me donner jour et lieu d'audience et le plus toust qu'il seroit possible, pour ce qu'il me sembloit que la matiere le requeroit. Cependant, Sire, et le dit mesme jour pour non perdre Temps, voyant le Gouvernement Tumber principalement entre les mains du Duc de Nolphocq; estant survenu matiere plus de son gibier, et plus agréable pour luy communiquer, que celle du mariage par les Raisons qu'aye nagaires escriis a Votre Majesté; estant aussi venue l'occasion que de longtems aves espie de savoir l'issue des affaires du Cardinal, lequel fust le jour de Saint Lucas Evangeliste deseangelizé, demys et privé du scelz et office de Chancelier, et de Conseiller du Roy, et par ce moyen cessoient les scrupules et respectz que m'avoint gardés d'aller veoir le dit Duc. Je le fus visiter en son loughs en ceste ville; il me recuylist fort honnorablement, et amyablement, luy ayant les lettres de Votre Majesté présenté, et fayt aucunes excuses de les avoer tant gardées, ce qu'il print de bonne part.

Je luy declairey l'extime en quoy votre Majesté l'avoit toujours tenu a la bonne volenté qu'Elle luy avoit continuellement portée, et ce tant pour la vertu de luy, que aussy pour l'affection que de long temps il avoit monstré envers Votre Majesté, en laquelle pensoit Votre de^e Majesté, continueroit attendu

mesmement le nouveau traitté de paix entre Votre Majesté et le Roy son maistre, se confiant jcelle, qu'il seroit celluy que seroit le mediateur et tiendrait main à la perpetuelle conservation de la dite paix, Et luy adjoustey beaucoup d'autres gracieuses parolles de moy mesmes, que me sembloint servir à l'affère. Il fust à sa mine tres joyeux, et après avoir remercié Votre Majesté de sa bonne souvenance et volenté, il me dit, quant à l'affection qu'il avoit toujours porté et heu envers Votre Majesté, qu'elle ne commonçoit de maintenant, ains, qu'il avoit apporté du ventre de sa mere, et que sans forligner ou se desavoer heretier de son pere il ne pouoit l'avoer autre, car son dit pere, et tous ses ancestres avoient toujours esté desdiés au service de la maison de Bourgogne, et que pour donner meilleure tesmoignage de sa dite affection, et desir de servir, qu'il voudroit bien qu'il pleust à Dieu et au Roy son maistre qu'il peust aller maintenant servir Votre Majesté, et le Roy d'Hongrie contre le Turc. Touchant la paix et amitié dont luy aves parlé, qu'il me pouoit bien asseurer, que d'autant qu'il n'y avoit nul en Angleterre, que eust esté plus desplaysant des discordes et facheries passés, aussy n'a voit il personne qui fut plus joyeux, des d^s paix et amitié, et que ce qu'avoit esté demené en ce quartier, c'estoit esté par la fauseté de ceux que lors avoient les affaires entre mains, que donnoient entendre beaucoup bourdes, et que pis est, faisant la pluspart de telz affères de leur propre volenté et auctorité, dont le Roy n'en avoit esté content, comment il feroit apparostre dans peu de jours; et au regard de l'entretènement des d^s paix et amitié qu'il se employeroit de son entier pouvoir. En quoy du cousté du Roy ne pensoit avoir grand travail, vehu la grande et parfaite jnclination que le Roy y avoit. Sire, luy ayant usé de quelques gracieuses parolles pour la Responce des siennes que seroit superflue escrire, je vins à ce que justoit le plus, qu'estoit de l'affère du Turc, et commençay à louer la magnanime et tres vertueuse volenté qu'il avoit d'aller à ceste tant sainte Entrepinse, luy disant que puis qu'il avoit fait l'envy en ce jeu, en entamant le propos, qu'estoit le point ou l'attendois, et duquel principalement luy voulois parler, que je le renvierés, en luy priant premierement au nom de Dieu de l'affère du quel il se agist, et de la part de Votre Majesté, que perseverant et continuant en son d^t louable

propos, il voulsist tenir main et persuader que le Roy pour sa magnanimité et vertu, pour le debvoir de sa dignité et nom de protecteur, et pour ce qu'il luy touche comme aux autres Princes, voulsist entendre à proveoir pour la Resistance de mortel Ennemy et cruel tiran.

Puis retombismes en propos de la bonne euvre de ceste paix, et de la peine que par cy devant le Roy d'Angleterre y avoit prinse pour l'effectuer; surquoy prins l'occasion de luy dire, que encoires restoit il ung accort à fere, qu'estoit au pouvoir du Roy, duquel, s'il y voulait entendre, il en acqueroit ung grand repos et inestimable honneur devant Dieu et le monde, et plus que des autres qu'il avait tant procurés, et estoit celluy d'entre la Royne et luy, sur lequel en avoit fayt au dit Roy de la part de Votre Majesté de fort honnestes et gracieuses Remonstrances et amyables exhortacions et requestes, comme presuppousés il auroit entendu du Roy, que me garderois luy en tenir aultre propos; seulement le voules je bien advertir que combien que Votre Majesté sçent le debvoir et parentage qu'il avoit avec celle du mariage de laquelle il se traittoit, toutes fois, que Votre Majesté le tenoit pourtant Chevalier d'honneur, vertu et conscience, que quant seroit pour sa fille propre, il ne voudroit non seulement ne practiquer ne porsuivre, mais aussy consentir que l'on entreprint sans manifeste raison ung cas de tel jimportance et consequence: et que Votre Majesté sçavoit certainement, qu'il n'en avoit esté promoteur, ne consaillant tel affere.

A ce, il me repondist, qu'il voudroit luy heû cousté une de ses propres mains, et qu'il n'eust jamais esté question de ce dit affere. Et que en ce n'avoit oncques esté appellé, car comme c'est chose de lettres et concience, le Roy l'avoit tant seulement communiqué et desbattue avec Ecclesiastiques, Docteurs et autres gens de lottre, desquieux le Roy avoit trouvé grand nombre luy affirmant et asseurant l'invalidité du mariage, auxquieux toutes fois, le Roy n'avoit voulu adjouster parfaytte foy, sans le voir dans les livres, lesquieux jl avoit sur ce très diligemment visités; Et que touchant le briefz de la dispensation du mariage qu'estoit entre les mains de Votre Majesté, que le Roy se trouveroit le plus abusé prince du monde, si le dit brefz n'estoit reprouvé de faulceté, vehu que tant de gens l'en avoint si trèsfort asseuré, comme il pensoit que le Roy

m'avoit dehu dire; et en oultre qu'il croyoit que si Votre Majesté n'eust prins tant à l'ouverte la part de la Royne, et qu'elle fust demeuré neutrale, que peust-estre que l'affaire fus plustoust vuydé, et qu'il avoit semblé estrange au Roy, que puisque luy, à qui attonchoit plus l'affere que à personne du monde, ne c'estoit jamais constitué ne declayré part au procées que Votre Majesté heust fayt partie formelle en ce cas. Je luy dis les raisons qu'avoient non seulement esmeu Votre Majesté à ce fere, mais que l'en avoint constrainct, et que la dissimulacion dont le Roy usoit, de n'avoir fait part, estoit trop cogneu par les actes, qu'il avoit fait devant les Cardinaux, et ceux que continuellement avoint fait et faisoient ses Ambassadeurs á Rome. Sur ce il demeura pensant, quoy voyant, je luy dis changeons propoz; je vous ay bien voulu dire ce que dessus, tant pour la justificacion de sa Majesté, que pour vous donner entendre la confiance que jcelle a de vostre honnesteté et vertu.

Sire! apres les Susd^{es} devises, il me vint à dire tout en ryant, or maintenant sera bien ayse l'Empereur d'entendre cesté ruyne du Cardinal, et qu'il soit déposé de son office, et Privé du Conseil du Roy. Je respondis que ainsi le penses-je, non point pour hayne que Votre Majesté portast au dit Cardinal; car combien jl en heust donné assés suffisante occasion, toutesfois, pour estre l'homme que ne pouvoit fere ne bien ne mal à Votre Majesté, et n'estoit de tel Etoffe que icelle desira ne vousist se vanger de luy; pourquoy à ce respect Votre Majesté ne feroit grand cas de son tresbuchement.

Et le plaisir que icelle en aura, sera pourvoir que le Roy, duquel Votre Majesté desire le Bien, honneur et prosperité comme la sienne propre, commence à clerement cognoistre ceux que par le passé l'ont mal conseillé, et que ne tachoient que servir à leur commodités, proufitez et affections particulieres; aussy pour autant que Votre Majesté verroit que le maniement des affaires seroit devoulus en mains de gens, que oultre ce que par nature de sang et noblesse de ceur auroint plus esgard au Bien et honneur du Roy et Royaume, si auroint-ils aussi à la conservacion des vrayes et anciennes amitiés, ce que l'on n'avoit fait ses prouchaines années passées, mesmement estant luy l'ung et principal du Gouvernement, et celuy duquel en Angleterre sa Majesté avoit plus de confiance.

Subsequement, pour plus amplement luy gratifier, je luy dis, que comme j'avois esté le premier Ambassadeur q'avois rompu la Chance d'aller visiter le Cardinal ainsi desires-je, estre le premier que luy fis tomber les affaires entre mains; et qu'avant qu'avoir parlé au Roy des nouvelles que m'estoint survenues de la part de Votre Majesté je m'estois devancé pour les luy communiquer, affin que venant le cas que le Roy me deust remettre avec quelcunq pour negocier que la dite prevancion fust l'occasion d'estre remis à luy; il me remercia grandement de ceste intencion et bonne vouldenté, et que des affaires, qu'ils me se traicteroient pas particulieres, mais totalement par conseil, ou il se trouveroit ordinairement et que me pouvés asseurer, que en tout ce que concerneroit le service de Votre Majesté, il en feroit toujours son mieulx.

Sire, combien que comme ay sus escrit, huisse deja despeché mon homme au Roy, pour gratifier et donner entendre que voules conduire les affaires de Votre Majesté, par son advis et adresse, je luy demandey ce que aves affaire maintenant, et les autresfois que me vindroint nouvelles, si j'en devois premierement advertir le Roy et luy envoyer pour savoir l'heure que luy agreeroit de me oyr; il me dit, que cela estoit le vray, et que le Roy l'avoit ainsy ordonné, que le tout se dheust adresser à luy, avant qu'en fere participacion à nul autre, et que ferés bien despecher ung des miens signifiant au Roy, que luy aves a parler de la part de Votre Majesté. Sur ce, je prins congé du dit Duc, que me vint accompagner, quelque refus que luy en fisse, jusques hors la salle, ou il m'estoit venu recevoir, et usant de gracieuseté vers moy, me dits, qu'aves prins trop de peyne, et que luy mesme me vouloit venir visiter, et au surplus que je regardisse de l'employer et commander là ou il auroit moyen et pouvoer de fere service à Votre Majesté, en quoy le trouves toujours prest.

Sire! Lendemain au soir, que fut le 22, revint mon homme avec lettres du Roy, que m'advertissoit, qu'il partoît de Winesor, pour aller à Grennevys, ou il se trouveroit le Samedi, et pour ce qu'il y arriveroit tard, qu'il valloit mieux que me rendisse la le Dimence au matin. Le Samedi je reçeu comme dessus les lettres du 5^e; le Dimence environ les huit heures du matin, j'arrivey au dit Grennevys, et descendant du batteau, je trouvey ung bien honnest gentilhomme,

nommé Mons. Poller, accompagnè de deux autres et leurs gens, que la m'attendoit de la part du Roy, pour me accompagner et conduire; Entrant á la seconde porte de la court, survint Monseigneur l'Evesque de Londres avec la mesme commission et charge qu'il me conduyt jusques à l'avant chambre du Roy, ou estoit la pluspart de la Court, speciallement les deux Ducs, et l'Archevesque de Cantorbery, lesquieux me receurent, et attendant que le Roy sortist pour aller à la messe, nous devisames ensemble quelque piece, et furent les propos ou se trouvoit Votre Majesté de l'assemblée de Bouloigne, dont ils estoient desja advertys, de la puissance, deliberacion et succès de ce Turcq, de quoy ils se treuvent tous esbeys, et non sans grant craincte ne raisonnable cause.

Sire! peu après, sortant le Roy pour aller à sa ditte messe, il vint droitement à moy de plus grand courtoisie et humanité beaucoup qu'il n'avoit fait la premiere fois, et me pregnant par la manche, me dis, "vous eu avez nouvelles de l'Empereur mon frere;" et luy ayant repondu que ouy, jl me jnterrogua de la dâte, et l'avoir entendu, jl dit, que Votre Majesté estoit soigneuse de m'advertir. Je luy replicuey que l'ung des principaux soins de Votre Majesté, estoit de l'advertir, et fere participant de toutes ses nouvelles et deliberations, et luy donner d'entendre en tout et partout l'amitié, fraternité et confiance, que Votre Majesté avoit en luy, suppousant que de son cousté, jl voudroit fere le mesme. Ce qu'il affirma bien à certes. . . . Sur ce, luy presentay les lettres de Votre Majesté, et luy declairay la teneur de ma creance; y adjoustant que combien que Votre Majesté fust advertie que la Pape luy en devoit escrire, toutes fois, avoit il semblé à jcelle convenir au devoir de l'amitié d'entre vous deux et aussy à l'importance de l'affaire, le luy fere notiffier de sa part. Il me dit, qu'il estoit vray, que le Pape l'en avoit fait advertir, mais que ce non obstant, ne luy avoit esté moins agréable de l'entendre du cousté de Votre Majesté, mesmes pour l'occasion qu'avoit esmeu Votre Majesté le luy faire savoir, et que touchant ce que par ma dite creance luy avés dit, qu'il y avoit desja pourvehu, et donné ordre, et que Les Ambassadeurs qu'il a envoyé devers Votre Majesté ont tout pouvoir d'assister, traiter et conclure sur cette matiere. . . .

Parlant de la cause motive du passage de Votre Majesté en

Italic, je luy dis que à ce Compte qu'il ne vouloit estre de derniers à une si bonne et sainte euvre, il me respondit que je nany et qu'il luy grieferoit bien que l'on le luy peust reprocher. Et pour ce que le temps instoyt d'aller à la messe, et qu'il vouloit longuement parler à moy, il remit la negociation après la messe.

Sire! après la d^e Messe, le Roy tout incontinent me remit en propos, me disant, pensiés vous doncques que fusse des derniers en ung tel affere, lors je luy declairey plus expressement, et par le menu, la grand necessité qu'estoit de pourveoir subdainement à la resistance de ce grand ennemy, selon qu'il apparesoit par l'extract des lettres que le Roy d'hongrie escripvoit á Votre Majesté, et par la teneur de celles que Madame m'avoit sur ce escriptes, et que me craignes à ce qu'il avoit pleu m'escire, que le Pape au plustard deslougeroit de Rome pour venir á Boulogne le 5^e de ce moys, que à peyne ses dites Ambassad^s que iront à leur ayse, se pourront assés à temps trouver à ceste journé de Boulogne pourquoy me sembloit qu'il seroit meilleur et plus seur, qu'il envoyat par la poste ung autre pouvoir, pour traiter au dit affere á ses Ambassad^{es} qu'il a auprès du Pape; il me dit, qu'il avoit donné charge aux d^{ts} que vont à Votre Majesté, qu'ils fissent les plus grandes journées que leur seroit possible, sans sejourner en chemin, et que encoires leur feroit-il une rencharge, et qu'il falloit entendre, quant à luy, quil ne pouvoit pas beaucoup, mais, que en ce cas, il y feroit son possible. Je ne luy vousy laisser couler ce qu'il disoit de son pouvoir, que n'estoit petits ne en gens ne argent principalement; dont tout le monde scait assez qu'il en est fourny autant que prince de la Chrestienté, et quant bien cela ne seroit, puisqu'il est comme pape absoulust en son Royaulme, aiant tant de riches Ecclesiastiques en son Royaume comme il a, il ne falloit qu'il se excusat sus non pouvoir. Il replicquat ainsy que dessus, que à luy ne tiendroit que l'entreprinse ne se dressat ainsi qu'il en estoit de besoing et l'affere le requeroit, mais qu'il falloit que Votre Majesté, comme le chief le plus grand et plus puissant, fust le conducteur et celluy qui monstra le chemin aux autres, et que pour ce fere il estoit necessaire que Votre Majesté se reduit à fere quelque paix avec tous ses Potentatz d'italye, ores que cela fust à son desavantaige, car Votre Majesté a d'ailleurs

assés biens sans ceux-la qu'elle pourroit pretendre en Italye, les quieux ayant obtenus, ne la sauroient excauser ung grain, ne en grandeur ne pouvoir; et d'autant que Votre Majesté laisroyt en ce entroit couler de ce que luy pourroit appartenir, pour fere une telle emprinse, d'autant gaigneroit-elle tant plus d'honneur, louange et Reputacion vers tout le monde, ainsi que par tel moyen Votre Majesté pourroit inextimablement conquerer plus de Bien que ne Saurion ceulx dont se sagit en Italye; lesquelles choses jl disoit, non point pour faveur ne interest des dits potentats, auxquieux n'avoit nul debvoir, mais tant seulement pour le debvoir qu'il a à votre Majesté, et le desir qu'il a de l'exhaucement et gloire d'jcelle; protestant qu'il n'entendoit de vouloir presumer de vouloir donner conseil à Votre Majesté, qu'estoit si bien pourveu de bons conseillers, avec ce que d'ellemesmes estoit assés prudente.

Je luy dis, que Votre Majesté n'avoit en riens plus taché, ne tachoit encoires a présent, que de reduyre l'italye en bonne paix, union et tranquillité, et que c'estoit l'une des causes pourquoy Votre Majesté avoit tenu tous les moyens propices, mais estans les parties si obstinés qu'elles ne veullent en sorte quelcunque entendre rayson, ne venir en amitié, et que pis est, que ont une garde derriere, et desquieux jl se fault autant asseurer, à mode de parler, que des turcs mesmes, jl estoit forcé que Votre Majesté usast en refus de l'amitié de sa puissance, qu'est bien la chose que desplaysoit autant à Votre Majesté, come l'on peut clerement appercevoir par ce que Votre Majesté avoit fait demener et traiter avec le Duc Francisque Sforce; jl me dit sur ce, "mais voyer, que veust l'on fere de ce povre Duc, ne quel mal peust-il fere?" Je luy contoys le contenu en l'escrit qu'il pleust à Votre Majesté m'envoyer de ce qu'avoit esté traytté avec luy. Il dit que par avanture l'on vouloit mettre son cas en justice devant quelques gens suspetz, que le gardoit de se soubmettre; à cela, je luy dis, que des juges l'on luy avoit toujours parler de les baillier non suspetz, et que les afferes que l'on luy avoit fait, ne pouvoient estre plus gracieux ne proufitables pour luy, et que pensés que l'on les luy avoit fait aussi amples car à la contemplacion du Pape que aussy de luy, que autre fois avoit fayt porter beaucoup parrolles à Votre Majesté par ses Ambassadeurs en faveur du Duc; il dit que ce qu'il en avoit fayt parler estoit pour conclure la paix univer-

selle, et non pour autre respetz ny obligacion. Quant au pape, jl estoit à ce astraint par leur sainte ligue, de la quelle jl ne fust jamais ; combien qu'il y fut nommé, et Votre Majesté pensoit qu'il y heust consenty. Et quand á rendre Pavye et Alexandrie, qu'il s'en pourroit bien confier à Votre Majesté quand elle y seroit presente, mais autrement de la Remettre entre les mains de vos gens en d^e absence, jl n'y auroit seurte ne fiance, pour beaucoup d'experiences que l'on a ci-devant vehu, encores frechement en Siena, laquelle, non obstant qu'elle heust toujours eu devotion de Votre Majesté, non obstant quelques gens de votre armée soub Mons^r le Prince estoient entré au dt siennes, et l'avoient saccagé ; et voyant que le descroyés pour non avoir grand apparence ne verisimilitude par aucunes conjectures, que luy dis, jl le me affirmoit tant plus fort, me disant qu'il en avoit lettres expresses de son Ambassadeur. Je luy dis que quant à Pavie, elle estoit desja hors de dispute, car elle s'estoit rendue ; jl me replicquat par deux ou trois foix si le scavés pour vray ? Je luy dis, que n'en avés lettres de Votre Majesté, ouy bien de quelcun mien ami, que n'estoit coustumier donner bordes, et que le mo faisoit plus croire estoit la particularité de la prince du Conte de Gayaz, et ce qu'il s'estoit sauvé ; jl dit qu'il avoit heu nouvelles qu'elle estoit une fois rendue, et puis avoit esté reprinse ; apres ce me dit ; "jl fault que je vous die une chose, mais je ne vouldroie qu'elle partist d'entre nous deux, jl me semble ung grant honte, estant le turc en Austrice, qu'est le vray patrimoyne de l'Empereur, qu'il ne va secourir, non point faire la guerre aux Chrestiens ;" Je luy respondis, que tout cela estoit au gros regret de Votre Majesté, et que nul Bien ne mouvint Votre Majesté desquieux, à ce qu'avés entendu, souloit dire, qu'elle nen avoit que trop, et que je pense que Votre Majesté voudroit avoir donné au dt Sforce, oultre la Duché de Milan, beaucoup d'autres Biens, pourveu qu'il heust été et fust tel qu'il devoit estre. Mais qu'il estoit à craindre, que, aiant envoyé Votre Majesté son armée contre le turc, que le dit Sforce ne face mille maux et les Veniciens de l'autre cousté, que ne s'etoient cuyde faindre de jnvahir Brundisio, et que demourant en ce estat les choses, Votre Majesté ne se pourroit servir contre le dit turc des gens d'armes ne pietons du Royaume de Naples, ains seroit contrainte y laisser grosse

Garnison que viendroit mal à point, et pourroit estre cause que pour ce moyen l'ung et l'autre pays seroit en dangier d'estre perdu; Il me dit, que le Duc ne pouvoit Rien, les Veneciens ne procureront que de garder leurs terres et ne sont pour invahir. Quant à Tirer gens d'Italye, cela n'estoit necessaire, puisque l'on pourroit avoir Lansquenetz et Suysses qui sont plus d'uytz au mestier; et puis quand tout seroit perdu, ayant repousé le turc, la Recouvrance en seroit aisée. Je luy dis, que je pense qu'il auroit donné charge à ses Ambassadeurs de parler à Votre Majesté, de tous ses affaires icy, dont estes seur que j'celle en donneroit sur le tout si bonne et concluante rayson et responce qu'il auroit occasion de se contenter, et que Votre Majesté s'estoit mis plus que à debvoir envers tous; et que Votre Majesté avoit desja assés donné entendre, ne que le fauste de la coronation, ne convoytise d'occuper terres d'esglise ne autres, ne l'avoit tiré d'Italye, sinon les causes que pieca luy avés dit; Il dit quant à ce dernier, qu'il estoit vray, mais que encoires le donneroit plus clerement à entendre Votre Majesté, faisant les sus^{des} appointemens; quant à l'autre, il dit, que la charge qu'il en avoit donné à ses Ambassadeurs, n'estoit que de prier Votre Majesté d'avoir pour recommandé les amis qu'il a en Italye, et que autre grand instance n'avoit il ordonné qu'elle en deussant fere. Je luy dis, que aussi n'en estoit il besoin, car encoires qu'il ne heut fait parler Votre Majesté, cognoissant ses d^s amys il se pouvoit assés asseurer que Votre Majesté y auroit du regard; et que ce seroit perdre temps de vouloir user de persuasion vers icelle, et qu'il seroit plus necessaire d'employer le dit temps à escrire et persuader aus d^s potentatz et ses amis, de se vouloir ranger à la Rayson. Il dis que aussi l'avoit il fait.

Sur ce, il me dit, Changeant Sa façon de parler, et avec une ponderative, et comme par admiration, qu'il avoit entendu que le Roy de France, son frere, en cest affaire contre le turc vous avoit fait ung merueilleux offre, et le me replicquat par trois fois, et ne me dit plus oultre. Je luy respondis, que si ainsy estoit, qu'il faisoit très vertueusement, et en conformité de ce que plusieurs fois jl avoit dit et promis; Et que à ce, estoit jl grandement tenu, pour beaucoup de considerations, qu'il n'estoit besoing explicquer, car elles estoient assez notoires, et d'ailleurs qu'il avoit bon pouvoir de ce fere, lequel jl ne sçauroit mieulx

employer que en cecy. Quant au pouvoir, il me dit, qu'il en avoit moins que les autres, car il vous devoit bailler tout son argent, et que à Votre Majesté qui l'auroit, touchoit de fere le principal effort; en quoy l'assurey, qu'il n'y auroit faulte, et que jcelle y mettroit, et cela, et tout ce que Dieu luy avoit donné.

Sur ce, il changea de propos, me disant que le Pape envoioit deux Ambassadeurs, l'ung au Roy de France, et l'autre à luy, lesquieux pensoit venoient pour le dit affere du tureq; qu'il falloit veoir attendre qu'il diroint le sien; à ce qu'il me dit, c'est le frere de l'ambassadeur qu'il tient à Rome, et de celluy ausy qu'il a en Venise. Je luy demandey, s'il luy plaisoit pour plus grande information avoir ce qu'avoit esté fayt avec le Duc Francisque, l'extrait de la lettre du Roy d'ongrie, et ce qu'avoient respondu les Veneciens à l'Ambassadeur de France, les Requerans de la Restitution des terres de l'apullie; Il me dit quoy volontiers, ainsi lui bailloye les dites pieces; quant à la responce des Venetiens, il luy sembla qu'ils n'avoit point le plus grand tord du Monde, vehu que l'on ne leur avoit tenu promesse de les comprendre en la paix: Je luy rementonay ce que son Conseil m'avoit communiqué touchant la bague de Votre Majesté, en quoy il avoit donné bon tesmoinage du soing qu'il avoit à la conservation de vos choses, et de l'amitié, jl me dit, qu'il avoit esté fort sollicité pour la Restitution d'icelle, mais il a esté toujours resolu d'en user comme il a fayt, à quoi luy sembloit estre tenu pour les dit debvoer et amitié. Je luy parlay de quelques autres afferes, dont Madame m'avoit rescrit, de quoy feray cy-apres mention, ayant particulierement respondu aux lettres de Votre Majesté; de l'affere de la Royne ne autres n'en fust nulz propoz; l'heure estoit aussy assés tarde pour entrer en nouveau negoce.

L'apres disner, il m'envoya dire, si j'avais encoires quelque chose a luy dire? je luy fis entendre que non, fors pour le premier qu'il luy souvint d'envoyer le pouvoir dont luy avés parlé, à ses Ambassadeurs vers le pape, ou de mander aux autres que vont à Votre Majesté, quilz se deussent avancer et diligenter le plus qui pourroint. Je heu responce qu'il pourroit sur le tout, et que pour l'heure, jl n'avoit que à me dire autres, fors, que ayant nouvelles, l'en voulsisse advertir, et jl me feroit part des siennes.

Sire ! quant au traité de Cambrey et la paix y faytte, tout le monde tant petitz que grans en ont monstré grant joye et contentement, et n'en ay peu appercevoir le contraire ; et spécialement du Roy, ne des principaux, jaoit eussent bien mieux aimés ainsy qu'ilz le demandoient à Palence, dont quelques-uns en murmurent encoires, mais ce ne sont gens de Etoffe. L'on fist icy grand solempnité en la publication comme ay parcydevant adverty Votre Majesté en la quelle ne fust faytte mention d'autre paix ne personne, que de celle entre V^e. Majesté et le Roy d'Angleterre. Touchant l'observance d'jcelle, j'ay desja escript à Votre Majesté, ce que avoit dit la Royne, qu'elle dureroit tant qu'elle pourroit ; toutesfoys, pense je qu'il ne vouldroit en sorte quelconque qu'elle ne durast, car par la guerre ilz ne peuvent riens gagner et si leur couste ung monde ; ilz comptent que depuis le defflement, le Roy a despendu huict cens mille Ducas et plus, pourquoy fault croire qu'il leur griefveroit à tourner prendre telles purges, et plus telz moyens remutinent le pays. Jusques à maintenant ilz s'entendent bien avec les françois, que l'on pense ne durera jusques à ce qu'il soit question de demander argent de l'Ambassadeur de france ; je ne scauroye dire autre chose de son traitement icy, sinon que depuis que suis de pardeça, il n'a esté à la Court synon une fois, quand son frere fut icy ; et une autrefois il fust jusques bien pretz, et quelque mal temps qu'il fist, jl fust contremandé, et contraint de retourner, et luy fust ditz qu'il vint trouver le Conseil pour exposer ce qu'il vouloit dire au Roy, et qu'il ne se deust adresser particulierement ne communiquer au Cardinal, dequoy il fust tres mal-content, et ne fust question de soupper le soir, et y heust homme que le ouyst lamenter et desirer d'estre mort ; jl me vint visiter doys le commencement, comme escravis à Votre Majesté, et ou qu'il m'aye rancontré, il m'a toujours usé de grand gracioseté.

Touchant les Ambassadeurs d'italye, il en y a icy, pour les Veneciens, Duc Francisque, et pour le Duc de Ferrare ; ilz estoient fort embesoingnez par cydevant, et entoient fort la Court et le Cardinal ; mais maintenant ilz sont en continuel repos ; celui que plus pryé le Roy, est celluy de Millan, auquel le Roy a foncé argent pour son entretenement ; puis deux ans en ça, il faisoit son Conte prèça pour s'en aller, mais je cuyde que luy et les autres demeuroidnt pour couvrir la Court.

Touchant ceux qui ont icy le credit et administrent, le Duc de Norforc est le principal; Votre Majesté feroit bien de luy escrire, le Duc de Sufforc est le second, ausi n'y auroit jl grand mal lui escrire. Une chose fault que Votre Majesté entende, de laquelle seras advertye par le Sr. Don Inigo de Mendoza, que n'en y a point ung autour du Roy que ne soyt abrevé de ces pensions de France, presque tous sont affectionnez à Votre Majesté mais l'affection de l'argent passe tout, pourquoy n'y a de se fyer à ceux combien à point.

Sire! J'advertys le Roy de la part de Madame, de deux choses; l'une qu'il vousist donner ordre de son cousté que l'on nettoyast la mer de Courreurs et pirates; il dit qu'il pensoit qu'il n'en y eust point de ses subjectz, lesquieux avoint suffert par cy devant de tres grans dangiers de ceux de Votre Majesté, et hors de temps de la guerre, et qu'il ne faysoit doubte que Votre Majesté n'en fist ministrer justice, et qu'il garderoit bien que les siens ne se mesleront de telles besongnies; l'autre de quoy l'adverty, fust que Mons^r. de Rosynbez devoit, à ce que m'escrivoit Madame, desja estre en chemin, dequoy y fust fort ayse, à ce qu'il monstroist, si fust, il d'entendre par moy la qualité du personnaige, pourquoy l'apres disner, incontinent je ordonnat aux deux Ducz, qu'ilz luy feissent pourveoir de lougis, et plus pres de moy qu'il seroit possible, et advisarent par ensemble que le Grand Commendeur de Saint Jehan et son frere sortiroint au Champs pour recepvoir le dit Sr, lequel suis seur ne fauldra à bon Recuyl.

Sire! des nouvelles de pardeça, le Cardinal, apres avoir chanceller longuement, à la fin il est tresbuché et oultre qu'ainsy (qu'ay sus escriis) l'on l'ayt privé du Conseil et demit de son office de Chancelier; il a aussi esté constraint de mettre de sa propre main tout son meuble par inventaire, et fust advisé qu'il le deust fere de sa main, affin qu'il n'y oblyast Riens, ou que l'on le peust mieux convaincre de sa faulte. L'on dit que recognoissant les erreurs et faultes passées, de sa propre volenté, il avoit fayt present au Roy de tout cela, que n'est petite chose.

Hier le Roy revint de Grunevitz par eaue, secrètement, pour veoir les d^s Biens, lesquels il trouva plus grans qu'il ne pensoit. Il ne mena avec luy que sa mye, la mere et quelqu'un de sa chambre; et le d^t Cardinal en quelque trouble que fussent ses

afferes, il monstroit toujours bon vulto, et le plus beau devers la ville; mais depuys le jour St Lucas, toutes ses braveries furent changées en extremes plaintz, pleurs et soupirs, et ce sans cesser nuyt ne jour; quoy entendant le Roy, esmeu de pitie, ou pour ce qu'il n'est encoires temps qu'il meure, que premierement l'on n'ayt entendu et veriffié plusieurs choses, craignant que le regret ne l'eust fayt mourir, pour sa consolation luy a envoyé ung anneau; il est retiré avec petit train à une mayson à dix milles d'icy. L'on a envoyé pour le fils du dit Cardinal estant à Paris à l'estude des cas, de quoy l'on le Charge; j'en ay escrise quelquechose par-cy-devant à Votre Majesté; le peuple en dit Chouses execrables, le tout se scaura à ce Parlement. Et fault croyre, comme qu'il en aille que ceaux que luy on mit la rage sus, ne l'abandonneront jusques au bout, car ilz scavent bien qu'il leur va de la vie, s'il retournoit. L'homme que l'on dist icy qu'a esté autant marry de l'infortune du dit Cardinal, a esté l'Ambassadeur de France, car la estoit leur refuge et adresse. L'on a icy en craincte que le dit Cardinal ne gettast hors du pays de ses Biens, à ceste cause, l'on a fait grand, qu'est par le ports. À cette cause, quelque passeport que eust le Cardinal de Campege, les gardes luy demandoient à ouvrir ses Coffres, et faisant refus de les ouvrir, ilz rompirent les serrures, dequoy il fust fort desplaisant; l'on m'a rapporté qu'il leur dit, qu'ilz avoient grand tort de penser que le Cardinal le peult corrompre pour faire une chose mal faicte, puisque le Roy mesme ne l'avoit sceu corrompre avec ses innumerables presens.

Sire! le Scel de la Chancellerie, puis le dit jour St Lucas, est demouré entre les mains du Duc de Nolphoc jusques à ce matin, qu'il a remis devant tout le conseil à Mr. Thomas Moure, le declayrant Chancellier de la part du Roy; et a receu le dit Duc le jurement du dit Chancellier telz qu'appertient à l'office; tout le monde est joyeux de sa promotion, car oultre ce qu'il est tenu pour homme de Bien, c'est l'homme le plus lettré d'Angleterre, et s'est tousjours montré serviteur de la Royne; Il estoit paravant Chancellier de Lancastre, maintenant a esté donné le dit office au tresourier de la mayson, Mr. St Villieurry. Mr. Richard Pacey bon serviteur de Votre Majesté que le Cardinal avoit fayt detenir en prison passé deux ans, tant en la tour de Londres, que en ung monastere, a esté maintent delivré

et est rapellé en la Court. En tient l'on que s'il demeure en telz repos de cerveau qu'il est maintenant, qu'il retournera en plus grand Credit que paravant, que viendrait bien à tail pour l'adressee des affaires de Votre Majesté. Il y a icy puy dix jours en ca, ung jeusne homme bien honneste, envoyé de la part du Duc de Saxe, non point du lutherien mais de l'autre au Roy; jl est venu ce jourd'huy me visiter et disner avec moy, je n'ay peu encoires scavoir qu'il traytte, du moins jl negocie fort avec le Roy et Mons^r de Londres, et fayt son compte s'en retourner dans quinze jours, je m'enquerrey de scavoer s'il est possible, quelles affaires le mainnent pour en advertir Votre Majesté.

Sire! Touchant l'affere de la Royne, qu'ay gardé pour le dernier, attendant nouvelles d'elle, j'en ay parcydevant assez amplement escript à Votre Majesté, et depuis n'en ay entendu aultre, synonque Mons^r de Londres me affirma pour tout vray que le Docteur stocler, n'estoit allé en France que pour fere consulter ceste matiere aux docteurs de paris: pourquoy la Royne vouldroit prier Votre Majesté de fere le mesme avec les gens de Bien; car sans cecy ou quelque sentence diffinitive, quelque persuasion que l'on face au Roy, jl demurra toujours en son oppinion et obstinacion.

Je luy ay fayt entendre l'advis qu'il avoit pleu à votre Majesté m'escire, mais jl luy semble que la dillacion ne pouvoit en riens prouffiter, ains beaucoup nuyre; à cest cause, et par les raysons qu'ay autrefois escript à Votre Majesté que militent plus maintenant que jamais, que l'on ne debvroit consentir à la surceance qu'ilz demandent, toutesfois le tout est au bon plaisir de Votre Majesté. Elle ne fust d'advis pour non donner suspicion au Roy, que la fusse veoir, et m'envoyat dire qu'elle pourveiroit que luy pourrois parler aultre fois secretement.

Sire, je prierai le Créateur avec la très bonne et très longue vie, prosperer et augmenter l'Estat de Votre très digne et très sacré Majesté.

Escrit en Londres le 25 8ber. 1529.

P.S. Sire ! deux jours après la sus escripte, le Cardinal a esté sententiallement et diffinitivement condamné par le grand conseil Royal et desclayré rebelle du Roy, et avoir commis cas de leze Majesté, pour autant que contre l'auctorité du dit Roy et les privileges du Royaulme, jl avoit impetré la Bulle de sa Legation, au moyen delaquelle, par prevention, jl avoit conferé plusieurs Benefices du patronaige du Roy et d'autres ; Et que à ceste cause debvoit estre privé de tous ses offices et Benefices, aussy de toutes dignités et prerogatives, comme de fayt ilz le privarent, confisquant tous et chescungs ses Biens, meubles, et jmmeubles, et les adjugeant au Roy, et que sa personne deust estre Constituée et demourer prisonnier en une prison Royal icy en Londrès, jusques à ce qu'il fust advisé par le Roy de la Condigne justice, elle ne fust donnée en sa presence, en ce luy voulust l'on gratiffier, mays jl y avoit ordonné deux procureurs solempnelz de sa part. Cecy, luy sera de mauvayse digestion, mais encoures ne serat jl quicte pour le prix.

Votre très humble et très obeissant

Subject et Serviteur

EUSTACE CHAPUYS.

Number CCXXX.

Copy of a letter from Chapuys to the Emperor, written Feb. 6, 1530, alluding to the bearing of Anne Boleyn towards Wolsey.

Bradford,
p. 298.

SIRE, Puy mes dernieres lettres, l'Evesque de Rochestre Soignieuse de la Conscience du Roy et bien du Royaulme, repos de la Royne et pour le debvoir qu'il a à la verité, a parachevé de reverer et Corriger le livre, jadis per luy compousé que nagueres ay envoyé à Votre Majesté; et aussy d'en compouser ung autre nouveau, lequel la Royne m'a commandé envoyer à Votre Majesté, par ce Courrier exprés, et en toute diligence; afin que les Dèputés de la part de Votre Majesté, pour soustenir le Droit et affère de la dite Royne, ayent loysir et opportunité de la visiter et bien examiner avant l'arriver de ceux, que vont la disputer de la part du Roy; le dit Evesque a sollicité la Royne de ainsy fere, combien qu'il craigne grandement estre allegué aucteur de ce dit dernier livre, comme la dite Royne en escrit à Votre Majesté; de la poynne qu'il a prins afere les d^s livres, l'œuvre en tesgmoignerat, aussy ferat elle de la grande Doctrine d'jcelluy, la quelle accompagner du bon renom de sa bonne et saincte vie, cogneue et divulgué à Rome et ailleurs, ne serat de petite efficace pour donner auctorité et fere adjouster foy à son opinion, même voyant qu'il est des subjectz du mesme Roy, et que en luy n'y peult avoer scrupule de subornation, comme à ceux qui ont suyvit le party du Roy, selon qu'ay cy devant escrits à Votre Majesté.

Sire! la Royne est traitter à l'accoustumer, et que l'ouserait dire pis que oncques, le Roy se eslongie d'elle, le plus qu'il peult; jl est toujours icy avec la Dame, et la Royne aupres de Richemont, et n'a jamais la moitié tant demouré sans la visiter que maintenant. Combien qu'il pregne excuse ou couleur sur ce qu'il estoit mort quelcung de pestilence aupres d'ou reside la Royne:—il a reprins la pratique pour vouloer persuader à

la dite Royne de se vouloer rendre nonain, mays c'est toute abussion et poyne perdue, car la Royne ny condescendra au grand jamais. Le continuel ennyt et travail, ou elle se treuve la contraignent jimportuner Votre Majesté, tant par des lettres que par les miennes, et ne cesserat qu'il n'y aye Resoulition et determination en son affere, ce qu'elle espere avant le partement de Votre Majesté d'italie.

Sire, Johan Jocquin, Ambassadeur de France est icy puy douze jours, et a apporté quelque argent pour les pensions particulieres que le Roy son maystre donne icy. Lendemain de son arriver, luy et Mons^r de Langey allerent en Court conduitz sans sermonies par ung de la Chambre du Roy, le Recueyl qu'ilz Eurent du dit Roy fust bon avec assés longue pratique. Samedi dernièrement passe, ilz furent appelé autrefois en Court, l'a ou ilz demouroint bien peu ; au retord ilz me vindrênt visiter et convoyer pour disner le dimenche avec eulx ; le matin du dit jour tous deux revindrent pour me mener a disner. Nous fusmes en longues devises ensemble, mays je n'ay peu sentir autre particularité de la Charge du d^t Johan Jocquin, sinon qu'il me dit qu'il estoit venu pour icy resider quelque temps, et que la chose que l'avoit le plus hasté d'y venir, estoit le Recouvrement de la fleur de Lys, et pour poyer les d^{es} pensions particulieres. Venant a parler de la paix et de l'affere du Turc, jl commençat à dire, qu'il seroit mal advisé et pourveu, si les princes n'appointoint les affaires du Vaynoda et que n'y remedieroit le turc ; ou seroit grandement dommaigé la Chrestienté :—je lui remonstrey le debvoer en quoy du commencement le Roy d'Ongrie c'estoit mis pour ce fere ; ils ont quelque grosse Confraternité ensemble car ils parlent asses affectueusement en faveur du dit Vaymoda, et ce faysoit ordinairement Mons^r de Bayonne estant icy Ambassadeur :—le Capⁿ Rangon Ambassadeur pour le Roy de France de vers le dit Vaymoda, n'estoit encoures de retour en France, quant partit le dit Jocquin, combien à ce qu'il m'a dit, qu'il peusoit qu'il ne tarderoit d'y estre bien toust, et qu'il debvoit avoir prins le Chemin de Venise, et me nommet le gentil-homme que pie ça avoit esté despeché en diligence pour le rapeller.

En apres par continuation de propos nous vinmes a tomber de parler de la poursuytte que le Docteur Stoeler de la part

du Roy d'Angleterre avoit fayt à Paris pour avoir la determination des Docteurs de l'université pour de divorcier de la Royne et pouvoir le Roy prendre autre. Jls me dirent de prime face, qu'ils n'en scavoient Chose quelcunque; mays à la fin voyant Mons^r de Langey les conjectures que luy mettés en avant, par lesquelles vray semblablement il en devoit scavoer quelque chose, il fust constraint s'en descouvrir; jl se excusat premier de ce qu'il avoit hyer n'en avoer riens apperceu, disant qu'il pensoit que vousisse dire que la question eust été disputé en Sorbonne par toute l'université, et de cela ne scavoit jl, mays quant à opinions particulieres, jl scavoit bien pour vray que le dit Docteur Stocher en avoit demandé l'advis de plusieurs Docteurs, entre les quieux, jl s'en estoit trouvés de ceux qu'il tenoit certainement debvoir escrire en sa faveur, qu'avoient opiné du Contraire: et le mesme ausy estoit advenu à ung Docteur hyspagnol demeurant en Sorbonne, qui sollicitait de l'autre cousté en faveur de la Royne; Et de ce parloit assés particulièrement comme ce luy que s'estoit trouvé à l'affere, et croys comme ay dernièrement escriis à Votre Majesté, jl s'est aydé par le commandement de son maystre à la sollicitation du dit affere, et ce veys-je hier par une lettre escripte à paris d'un angloix y Residant; l'a ou jl fait mention des promesses qu'ay escriis avoir esté faittes aux Docteurs opinions pour les Roy.

Sire, en la ditte lettre avoit aussy advertisement que l'une des principales Charges qu'avoit le dit Johan Jocquin, par de ça, estoit pour rabbillier les affaires du Cardinal avec le Roy, que seroit (sans la Dame) fort aysé; car comme j'ay escriis à Votre Majesté, selon le commung advis, le Roy ne porte nulle hayne au dit Cardinal; et s'il y a eu quelque male volenté ce a esté contre les Biens, n'ont point contre la personne, et en ce semble que le Roy ne luy aye peu fere grand tort, car puisque le dit Cardinal luy avoit fait dispendre grand argent, Et qu'il disoit que tout ce qu'il accumuloit n'estoit que pour le Roy, d'en prendre l'administration et possession ung peu plus toust que ne vouloit ne pensoit le dit Cardinal, le Roy ne pensera l'avoir en Riens grefvé ne injuré, avec ce que le Cardinal dois qu'il commença soupeonner de son infortune, et dempuy qu'il fust ruyné, a tojours dit, que le Roy ne luy pouvoit fere plus grand Bien que de prendre et se ayder de tout ce qu'il avoit, qu'estoit procedé toutellement des Biens de d^t Roy. Et

pour tesmoignage, que le Roy ne lui portait fort mauvaise voulenté, l'on m'a dit que doys le commencement le Roy ne vouloust fere diffinir le cas du dit Cardinal par les estatx generaux du Royaume; pour ce que apres contre leur diffinitive et ordonnance jl n'eust ainsy peu pardonner au Cardinal, comme jl desliberoit et a fayt, ainsy que verrat Votre Majesté cy dessous.

Sire, le dit Johan Jocquin est lougé à la mayson d'ung des privés serviteurs qu'eust le Cardinal; peu apres qu'il fust icy arrivé le dit Cardinal combien qu'il fvst encourés aucunement mal dispousé, et qu'il heust affere de son medecin qu'est Venetien, toutes fois pour estre homme d'esprit, estrangier, et duquel il se fie, jl envoya au dit Jocquin, et a icy demouré environ quatre ou cinq jours. Je luy fays doubte, que si les français scavoint trouver le moyen de le reintegrer qu'ils n'y espargneroint Chose du monde pour le pousser; car quelque beau semblant qu'ils facent à Monsieur de Nolphoc, je says bien, ils ne se confient par trop en luy:—la pratique bien desmelé, ne pourroit estre plus avantageuse pour eux, mays, elle n'est sans gros dangier de demourer jmpossible, et de jrriter ceux que ont le credit et maniemment aux quieux y va la vie.

Sire, ainsy qu'ay dernièrement escrits à Votre Majesté, le dit Cardinal a esté malade ou à ce que l'on dit a fainct de l'estor, affin que le Roy le allast visiter, ce qu'il n'a fayt, mays en recompense, jl y envoyat la medicine à son mal necessaire, c'est a scavoir promesse de luy fere grace, pardonance, et abolition de tout ce que l'on l'avoit Chargé; quoy entendu, jl commença a se bien porté et se treuve maintenant en playnne Convalescence. Et luy doit estre aujourd'hui deslivrer la patente de sa de abolition en la forme qu'il la sceu demander: —le Roy luy laysse playnement la jouyssance de son Archesché de Yorc, luy a constitué troys mille angelotz de pension, qu'il prendrat annuellement sur l'Evesché de Vuinecestre et moyen ce, quiete le dt Vuinecestre et tous autres Benefices; —le Roy, oultre dix mille angelotz qu'il luy a donné puy qu'il á este condampné, il luy rend de sa vaisselle, pour deux services et de tapisserie pour cinq Chambres, la Reste de l'Argent et Meuble demeure au Roy. Or la mayson de ceste ville, le dit S^r Roy en apris ses jours passés la possession solempnelle selon les statutz du Royaume, et la jncorporé à son patrimoine.

Et aulieu d'icelle yl en donnerat une autre que serat des archevesques du dit Yorc. Maystre Rossel m'a dit que a cause qu'il avoit porté quelques parolles au Roy en faveur du dit Cardinal, que le Dame avoit bien demouré ung moys luy tenant troquie, et refusat luy parler; et que jl y a six jours que le Duc de Nolphoc luy declayrast comme la ditte Dame sa Niepce, avoit bien esté corosser contre le d^t Maystre Rossel, si avoit elle aussy contre luy mesme pour autant qu'il n'avoit fait contre le dit Cardinal lont au pis qu'il heust peu et de avoit elle fayt plusieurs douleances. Après ce le dit Duc vint a demander au d^t Maystre Rossel s'il estoit point d'opinion que le Cardinal heust encores espoer ou fantesie de retourneur en credit; et luy respondant le dit Maystre Rossel, qu'il debvoit assez cognoistre que le cueur et ambition du dit Cardinal n'estoit pour reculer ou jl verroit l'opportunité d'embrasser les offeres, et qu'il ny falloit autre opportunité sinon qu'il survinse quelque affere dont le Roy heust mestier du Conseil du dit Cardinal touchant les matieres qu'il ce autrefoys demenées. Lors le dit Duc commencat très fort a jurer, que avant que souffrir cela, jl le mangeroit tout vif; j'entens que pour remedier à ce jnconvenient, jl ayt esté ordonné qu'il n'approcheroit la Court de cinq ou sept mille de ce pays. Sire, ung Cousin du medecin du dit Cardinal, m'a dit, que la Dame l'avoit envoyer visiter durant sa maladie, et se presenter de luy estre favorable vers le Roy, qu'est Chose dure a Croyre, attendu ce que dessus et l'jnnimitie qu'elle luy a toujours porté; et n'estoit ou qu'elle pensast qu'il d'heust mourir, ou qu'elle heust monsté sa dissimulation et affayterie, de quoy au dit commung elle est bonne ouvriere; ou que Johan Jocquin heu desja commencé afere quelque miracle.

Sire, j'ay éntendu que l'allemand, qu'arrivat icy le second jour de noel, dont ay adverty Votre Majesté, est du Duc Frederique l'Electeur de Saxe; j'ay mis toutes les Espies qu'ay peu, pour entendre qu'il tramoyt, et l'ay fayt banquetter par un marchant plusieurs foyes et richement abbrever pour tirer quelque Chose, mays ils n'a peu entendre sauf qu'il estoit au dit Duc, et qu'il avoit esté Cap^{ne} d'allemands aux armées de Votre Majesté, tant en hyspaigne que en Italye, et se trouvat à la prince du Roy;—le dit marchant ainsy qu'avons advisé ensemble faignist ung soir apres avoer donné a souper au dit

allemand que pour l'infortune qu'il avoit en marchandises, jl voudroit bien suyvre autre train, et que s'il luy sembloit qu'il y peust faire quelque proufit, qu'il s'eniroit volentiers avec luy en allemagne ; le dit allemand luy dit, que s'il vouloit venir que bon party ne luy faudroit, et affin qu'il ne pensat, le voyant icy sans grand fauste que fust pour faute d'argent, jl luy vuydat devant ung petit sac plain d'Angelotz, ou jl y en pouvoit avoir 15 Cens, et luy dis, que ce n'estois riens, qu'il en auroit bien autre somme avant que desloucher d'icy, et qu'il luy voulust ayder pour le luy fere tenir en Allemagné, je Cuyde à Francfort par letters de change : Le dit marchant a tojours porsuyt d'entendre et le party qu'il luy voudroit trouver, et ou ilz auroint d'aller, l'autre a tojours differé luy en vouloir riens declayrer encoures, car si le cas estoyt descouvert, jl y gissoit sa vie. Jusques à ceste heure, je n'ay peu autre scavoir, si espere je que ne Tarderay au Moyen de caux qu'ay apres, que n'entende une bonne partie de ce qu'il est icy venu fere : Je n'ay aussy riens peu scavoir de celuy que l'on dit estre icy de la part de Mons^r de Mayence. Sinon, qu'il estoit venu pour requerer le Roy d'avoer regard au Cardinal, jl doit party la semaine que vient et ammene plusieurs Chevaux qu'il a achatté, hors deux que le Roy a donné;—les dit deux hommes des d^s Seig^{rs} de Saxe et Mayence, n'ont point en grand communication ensemble, au moins en public, en particulier je ne scay, celuy du Duc en la Court se trouve honnêtement accoustré, mais sortant de là, jncontinent jl changeat d'habillemens ; Celuy de Noremberst nommé Laurent Scavre pensionnaire du Roy et despeché a ce que l'on m'a dit, pour s'en aller avec les dits gens. Parlant hier avec Brianturx, nous entrasmes en propos des d^s Allemans ; jl me dit, une Fays qu'ilz estoient venus queloungs d'eux, de la part d'ung qu'avoit tojours escrit contre Luther, et qu'il me monstreroit les lettres que le Roy en avoit receu avec une Carte de Cosmographie ; je luy dis que ne parles de Cestuy qu'estoit seulement arrivé puy huyt jours. Touchant les autres, jl me dit, qu'ils estoient icy pour leurs afferes particulieres, et que autres Choses ne traytoient, et qu'il leust bien sceut, puy me dit, qu'il estoit bien vray qu'il ne s'estoit trouvé tojours en Conseil, et qu'il y porroit avoir autres Choses qu'il ne scait point ; enfin jl me laissat en plus grand suspicion que pardevant : le dit Brian Turz devi-

sant de ce qu'avoit esté demené a paris en l'affere du Roy et de la Royne me dit tout ouvertement qu'il n'estoit rien si vray que les Francois desireroient bien, qu'il ny heust nulle affinité entre votre Majesté et le Roy, il ne passat plus oultre; jl me dit aussy de la deliberation que le Roy avoit d'Entendre luy mesme en ses affaires, et que a Ceste occasion jl avoit esleu plusieurs Conseillers, affin que quant Mons^r de Nolphoc, le Chancellier et aultres qui sont icy empeschés aux affaires de la justice, et ne pourront estre aux Champs avec le Roy qu'il ne soyt desprouveu de Conseil; Et pour ce jl fist passer par l'ordonnance des Estatz generaux, que en l'absence des autres, le President de son Conseil Resident avec sa personne, heust telle auctorité en toutes Choses, comme si le Chancellier et le Grand Tresourier d'Angleterre, et autres, officiers de la justice, ilz fuissent entrevenus; en quel office a esté député le Duc de Suffocq.

Sire, hier arriva icy, ung lapidayre serviteur de Madame, qu'elle a icy envoyé pour recognoystre les pieces de la fleur de Lys, il assisterat quant l'on la lui monstrerat, et la pourrat visiter sans autre semblant, Car si le Roy continue au propos qu'ay dernièrement escrits à Votre Majesté de l'envoyer par son homme et bien Cachetté, jl n'est besoin d'icy fere scrupuleuse visitation; cela appartiendrat a ceux qui seront commis de la part de Votre Majesté pour la recoyvre.

Sire, l'ung de ceux qu'avés chargé d'espier l'homme du Duc de Saxe, m'est venu tout à ceste heure rapporter pour vraye verité et comme celuy que pouvoit certainement depouser, que le dit homme accompaignié de Laurens Scavre de Neurember, avoit été la plus part de ceste matinée avec le Chancellier, et que ayant demouré ung bon espace leans le dit Chancellier envoyat querre quelques marchans austrellens pour traytter avec eux de l'jnterest qu'ilz voudroint avoer pour rendre quelque argent à Frankfort, que le Roy y vouloit fere tenir au dit homme. Jl ne declayrat point la somme, mais seulement leur propousat combien d'jnterest ilz voudroint prendre pour livrer; ilz ne peurent pour lors riens conclure, tant pour la difference qu'ilz avoient sur le dit jnterest, que aussy à Cause que le Roy ne presentoit de bayllier icy l'argent tout à l'heure. Bien qu'il se disse que dans deux ou troys jours, jl se delivre-roit: le dit homme a toujours fainct de sejourner icy plus

longuement, mays resoluement si la difficulté du change qu'il veult avoer ne le detient, jl partirat ce soer ; jl y a autre-fois dit, qu'il repasseroit par anvers, et combien qu'il aye este jnterrogué du lousis qu'il a accoustumé d'avoir au dit Envers, et du Chemin qu'il desliberoit de tenir maintenant, jl n'en a voulu oncques rien declayrer, ne aussy son nom ; pareillement à ce qu'entens, jl ne se avoyé expressement estre du dit Duc, mays quant lon luy a dit à part pourquoy il ne se avoyoit aussy bien au dit Duc, comme faysoit celuy de Mons^r de Mayence d'estre à son Maystre, à l'heure, s'il ne l'a avoé, jl ne l'a point aussy desavoe : jl a dit à quelcung que le temps estoit venu, que les gens de ceur et d'Esprit feroient grandement leur besongnies en Allemaigne, Car Votre Majesté, faysoit son Compte de venir en Allemaigne avec puissante armée pour Chastier et opprimer jcelle, ce que ne voudront souffrir les princes ne villes jmperiales, et que luy trouveroit de telles gens d'esprit, qu'il les feroit bien pourveor et traytter : je luy ay fait demandé par l'homme que m'a cecy rapporté, a scavoir, si Votre Majesté apres sa couronation desliberoit fere eslire à son appetit ung Roy des Romains, s'il y auroit Contreditte ? jl en grondist ung peu, puys ne dit autre sinon que ce n'estoit Chose faytte.

Sire, j'ay entendu le tout par ung de mesmes Austrelins qu'a esté demande devant le Chambellan pour faire la Charge que m'eust de paueur d'estre descouvert.

Sire, voyant toutes ces choses, si le dit homme ne fust partit si soudain, j'eusse advertis Madame pour le faire visiter à Grasvelinghes, et si Votre Majesté desire scavoir entierement les misteres, cela se pourroit faire par le moyen de Laurens Scavre de Neremberg qui s'en va avec luy.

Sire, il pleust à Votre Majesté me commander à mon partement le fere remantouer de mes pouvres afferes par Mons^r de Granvelles ; je luy en escriis quelque chose ; pour non ennuyer de plus longue lettre Votre Majesté, laquelle supplie très humblement vouloir quelque esgard à jceux de Londres le 6^e. Fevrier 1530.

Votre tres humble et tres obeissant
 sujetz et Serviteur
 EUSTACE CHAPUYS.

Number CCXXXI.

*Copy of a letter addressed by Chapuys to the Emperor,
Nov. 27, 1530, alluding to the opinions obtained from the
Universities.*

Bradford,
p. 319.

SIRE, La Continuation de bruyt qu'a pieca couru, que en ce Parlemant, recommencant à la purification nostre Dame, le Roy deslibere attenter quelque chause au fait de ce divorce, aussy l'ennuy du delay de son procès ont esmeu la Royne escrire presentement à Votre Majesté affin qu'il luy pleust interceder vers le Pape pourveoer en son affere; suyvant ce sa S^{te} l'avoit accordé sur le memorial que Mess^{re} May presenta à sa d^e S^{te}, estant là mon homme, et neantmoins fere tirer avant le procès sans plus dilacions, desquelles ne peust sortir nul bon fruyt sinon tout prejudice ainsi que Votre Majesté pourra veoer par le double des lettres que la d^e Royne escrit au Pape, de quoy plus amplement ay cy-devant adverty Votre Majesté at aussy Mess^{re} May et pareillement le nonce qu'en a desja escrit et parles presentes que vont avec cestes le Confirme, l'ondit qu'il font icy les preparations possibles pour disposer le matiere pour le temps du d^t Parlement et se parloit de fere jmprimer quelque livre en faveur du Roy affin que le peuple en fust abbeurre. Jl y a huit jours que le Doyen de la Chapelle comme procureur du Roy en ceste cause se appareust en jugement devant le Chancellier de l'Archevesque de Canterbury luy requerant fere transumpter en forme authentique, juridique et probatoyre huit jnstrumens qu'il luy presentoit qu'estoint les determinations des Universités sur ceste matiere de divorce, dont yl y en avoit deux de paris, l'ung de la faculté de Theologie, l'autre, des Canonistes; la reste estoint des Universités de Tholouze, Orleans, Burges, Bolongne, Padua, et Pavie, et ce croyres-je plustost, qu'il feroient imprimer que nul livre, car à ce ne leur pourroit l'on si souffizamment respondre que à ung livre, et ausi le peuple y adjousterà plus de foy et auctorité à quoy ny a plus propice

remède que d'obtenir l'attestation des voix qu'ont esté a paris en faveur de la Royne, fere aussi imprimer les determinations des Universités que tiennent contre le Roy et aucuns des meillieurs livres comme jl ont fait en hyspagne de celluy de l'Evesque de Rochestre de quoy plusieurs pensoint, que le dit bon Evesque pour craincte du Roy en seroit desplaisant, mais jl ne luy en chault, puisque cela a esté fait sans son sceu, et si ne luy desplaira que les autres deux qu'il a dempuys faitz soyent imprimés de compagnie, et à ceste cause en ay escriis à Mess^{rs} May qu'a bon moyen de ce fere. Et du tout seroit requis on avoir plusieurs Copies pour les semer par icy et les publier solempnément si le Cas le requeroit comme pense sera necessaire au tems du d^t parlement.

Sire, ces jours la Duchesse de Nolphoc envoya à la Royne ung present de volaille, et avec jcelluy une pomme d'orange dans laquelle estoit enclose une lettre de Gregoire Cassal, laquelle me semble bon envoyer à Votre Majesté. La Royne croit que la Duchesse luy ait fait ce present d'elle mesme pour amour qu'elle luy porte; mais je craindrais plustost que ce fut du sceu de son mary, en quelque sorte que ce soit si esse moyen à la Royne. d'entrer en quelque pratique dissimulant avec elle mieulx que par le passé.

Le Roy a, passé huit jours, ordonné que icy fut ammené le Cardinal, quoy entendant le dit Cardinal, jl a demouré quelques jours sans vouloir manger, veulliant plustost comme l'on dit ainsi finer que plus ignomineusement et honteusement dont yl a quelque doute; pour ainsi yl a esté surprins sur le chemin de maladie, de sorte qu'il n'est encoures arrivé—l'on dit que son lousis luy est appresté à la tour en la Chambre mesmes ou fust detenu le Duc de Boquignan; de la Cause de sa prinse l'on en parle en plusieurs sortes, que sont toutes divinations. Ung gentilhomme m'a dit que peu de temps avant qu'il fust prins, le Roy soy Complaignant à ceulx de son Conseil de quelque chose que n'avoit esté faite à son appetit, leur dit en courroux, que le Cardinal estoit autre homme pour demener toutes matieres qu'ilz nestoient eux trestous. Et sur ces propoz se partist deux fois, lors le Duc, la Dame et le Pere n'ont cessé de machiner contre le dit Cardinal, speciallement la ditte Dame que ne cessoit de plorer regrettant son temps perdu, et aussi son honneur, menassant aussi le Roy de s'en

vouloir aller, de sorte que le Roy a eu assez affere de la rap-
 paier, et bien que le Roy la priast tres affectueusement voyre
 jusques avoer les larmes aux yeux qu'elle ne voulust parler de
 s'en aller, toutesfois yl n'y avoit rémede sans qu'il feist prendre
 le dit Cardinal:—yl luy mettoit dessus, pour lors qu'il avoit
 deu escrire à Rome pour estre reintegré en ses Biens, en
 France pour estre en ce favourisé, et pour retourner en credit,
 qu'il commençoit à retourner en ses anciennes pompes, qu'il
 vouloit suborner le peuple, mais depuys qu'ilz ont eu le Medecin
 du dit Cardinal entre mains, ilz ont trouvé ce qu'ilz cher-
 chaient; le dit medecin puis le second jour qu'il fut icy, a esté
 et est traité en la mayson de Mons^r de Nolphoc, comme ung
 prince, qui donne assez à entendre qu'il a Chanté comme ilz
 demandoient. Johan Jocquain n'en a voulu riens dire au
 Nonce du Pape que l'en jnterroga fort expressement, mais jl
 a dit à l'Ambassadeur de Venise qu'il se trouvait par confession
 du medecin que le Cardinal avoit fait solliciter que le Pape feist
 excommunier le Roy et jnterdire le Royaulme, si le dit Roy
 ne chassoit la Dame de Court, et aussi pour ce qu'il ne traictoit
 la Royne deurement; pensant par ce moyen que tout le Roy-
 aulme se mutineroit contre les Gouvernemens, et que en tel
 trouble jl rempoigneroit le manyement:—le dit Jocquin de-
 testoit fort au dit Ambassadeur la malignité du dit Cardinal,
 ne scay s'il le faisoit pour dissimuler le anuyt de la prinse
 d'jcelluy, qu'il le dit de pure marisson de ce que le dit Cardinal
 vouloit obvier à ce second mariage qu'est la chose dont deppend
 tout la faveur et Credit que les Français ont icy.

Sire, jl me semble que le dit medecin a déclaré qu'il ne eust
 aucune jntelligence ne Cognoissance avec moy, car s'il eust
 fait, le Duc que dissimule mal volentiers, m'en eust touché
 quelque chose, aussi l'on eust appelé celuy questoit le media-
 teur à qui rescrivoit le dit medecin et que luy faisoit les re-
 sponces, mais jusques à ceste heure lon ne luy a sonné mot.
 Et quant bien le dit medecin diroit tout ce quest passé entre
 luy et moy, ne scaurois toutesfois dire Chose pour laquelle
 l'on ne peust riens impugner ne Calumpnier.

De France ilz ont icy adverty amplement de tout ce quest
 passé touchant la Convocation du Concille, et a deu dire Johan
 Jocquin a ung sien familier, qu'il a rapporté au Nonce, que le
 Roy de France ne se consentiroit volentiers au dit Concile,

specialement quant aux lieux nommez ; je ne m'en suis voulu enquerre autrement, sachant Votre Majesté en sera plus seurement advertie du Costé de France.

Le Conte de Vulcher passant par Millan, à son retour de Bolongne deust donner quelque esperance au Duc de Millan, de luy fere icy preter cinquante mille Escuz, mais yl y a environ huit jours qu'il fit responce à l'Ambassadeur qu'il n'y avoit nul espoir, car le Roy se trouvoit en necessité d'argent à cause de gens qu'il tient en Irlande, desquelx j'ai cy-devant escript à Votre Majesté, que ne peuvent estre au plus cinq Cens. Il y a eu ces jours Ambassad^{rs} d'escosse devers le Roy, et n'ay encoires peu entendre pour certain à quoy ilz sont venuz. Il y a qui soupçonnent que l'on leur donne quelque parolle et espoir sur le mariage de la princesse, pour divertir le Roy d'Ecosse, de non traicter presentement d'aliance avec Votre Majesté ne allieurs. J'espere par le premier en escrire à Votre Majesté plus au vray.

Les marchands lutheriens icy detenuz dont par mes dernieres ay fait mention à Votre Majesté n'ont heu autre punition que destre mennez par certaines ruez de la cité, avec leurs mitres et escripteaux, portant ausy aucungs livres qu'ils furent contraintz brusler publiquement ; je ne scay quel fruyt a produit la de punition, car a ce que se voit dempuys jcelle, pour ung que parloit de telles matieres auparavant, yl seu treuvent cent qu'en parlent plus liberallement et sans craincte.

Sire, yl est nagueres, icy venu, ung hyspaignoil, envoyé comme jl m'a dit par le Conseil de Castille, combien que affin que ces gens ne pensent que le tout apparteneit à Votre Majesté, jl donne le bruyt d'estre tant seulement envoyé de l'ordre de la merced lequel a jmpetré license de pouver icy fere prescher les Bulles du d^t ordre pour la redemption des captives, et nommera le Roy Commissaire à son appetit et aura la tierce partie du proffit. Escrivant Cestes, une homme de Bien et de foy, m'est venu advertier comme le protho-notaire de l'archevesque de Canturbery luy avoit dit que non seulement, le Roy voulait avoir Copie auctentique des instrumens dont ay fait mention cy dessus, mais ausy qu'il desiroit qu'ilz fussent translatez et auctentiquez en langaige anglois, et que le Conte de Vulchier l'avoit prié de la part du Roy vouloir fere la dite translation à l'avantaige et favorable pour

le Roy, l'ampliant ou bon luy sembleroit, et par ce, avec plusieurs autres Cas, peust assez jugez Votre Majesté comme yl vont en besongnie.

Je prie le Createur prosperer et conserver le très sacré Estaz de vostre jimperiale Majesté.

De Londres le 27^e de Novembre 1530.

De votre Majesté tres humble et tres obeissant

subjetz et Serviteur

EUSTACE CHAPUYS.

Number CCXXXII.

Copy of a letter from Chapuys to the Emperor, mentioning the death of Wolsey. Written Dec. 4, 1530.

SIRE, l'Evesque de Rochestre à dernieremant acchevé ung ^{Bradford,} livre en faveur de la Royne le quel va avec la presente, et ^{P. 331.} voudrois bien la dite Royne supplier Votre Majesté le vouloer fere incontinent envoyer au Pape, raffrechissant à sa Sté la Requeste des pointz dont par mes dernieres ay fait mention à Votre Majesté.

Sire, Mardy veyllie de St André, le Duc de Nolpholq appella le Nonce du Pape en son logis, et estant la arrivé jl luy dit, l'avoir fait appeller pour le prier de la part du Roy d'escripre au pape pour le Chappeaul de l'auditeur de la Chambre; apres qu'il luy eust dit cela, jl le retira à part en sa chambre ou jl luy fait entendre comme le Roy s'esbéissoit que aiant eu lettres du Pape, qu'il ne luy en eust riens envoyé dire; mais que encoires estoit jl plus desplesant des propos que sa Sté avoit tenu à ses Ambassadeurs sur la matiere du *reagravatoire*, et de faire vuider la Dame de Court, et que cela estoient Choses par trop estranges et que par beaucoup respectz le dit Roy ne meritoit ainsy estre traicté, car quelque chose qu'il y ait eu, jl s'estoit toujours démontré très bon et très obeissant filz de l'Esglize et que riens qu'il eust fait par cy-devant, n'avoit esté en jntencion de desplaire à sa Sté; en oultre ce, luy dit plusieurs aultres gracieux propos sur jcelle substance:—le dit Nonce, entres autres excuses qu'il fait au premier, luy dit qu'il n'estoit allé communiquer ces nouvelles au Roy pour ce qu'il ne voulait plus ouyr les querelles et menasses que luy avoit accoustumé fere le Roy; et d'ailleurs que le pape entendant la dite façon de fere, luy avoit escript expressement que ne se sociat desormais de fere plus d'excuses ne justification vers le dit Roy, Car jl pensoit s'estre en ce affere plus que souffizamment acquitté envers jcelluy Seigr Roy, et que maintenant restoit de satisfaire à Dieu, à sa Conscience, à la

justice, et à l'autre partie. Touchant le second point, jl luy respondit que son maistre luy avoit dernièrement escrit qu'il ne pouvait en façon du monde plus delayer les affaires et qu'il estoit tant importune de faire justice, que non seulement seroit contraint de pourveoir aux deux points susmentionnés, mais aussi de fere proceder à la diffinitive. Le dit le mercia bien fort de ce qu'il avoit ainsy descouvert l'intention et deliberation du Pape, laquelle luy avoit esté escripte en ziffre, et apres, luy avoir replicqués plusieurs gracieux propoz, jl pria le dit Nonce qu'il voulust en ce endroit fere l'office de bon Ambassadeur et ne fere rapport facheux, et qu'il voulait escrire de ce jour mesme par le Courier que le Roy envoyait en Court de France, et dois là à Rome, le dit Duc ousa bien affermer par son serment que le Roy n'avoit jamais sceu que le Cardinal de scherbes eust sollicité son affaire en Rome, ne aussi du bref que fut decerné contre luy à Bologne synon d'empuis quatre jours en ça; Et toutesfois yl y a plus de six sepmaines que le Roy se plaignoit au dit Nonce d'jcelluy Bref.

Sire, le dit Nonce cognoit par clere et manifeste evidence, estre vraye ce qu'ay par cy-devant escript à Votre Majesté que la doulceur esgrit ces gens, et l'aigreur les adoulcit; car cependant que le Pape a usé de gracieuseté envers eulx, ilz l'ont menassé et bravé le plus fort du monde; maintenant que sa S^{té} a commencé leur tenir la bride royde, ilz sont devenuz les plus humbles et simples du monde. A ceste cause jl escrit plus hardiment à sa de S^{té} qu'il n'avoit ousé par cy-devant que jcelluy doit pour la conservation de son auctorité ycy, et par plusieurs autres respectz, fere incontinent diffinir l'affere de la Royne:—ses lettres vont, avec la presente, jl playra à Votre Majesté commander qu'elles soient envoyées avec le livre mentionné au commencement de Ceste. Et s'il plaisoit à Votre Majesté fayre un rencharge à sa S^{té} comme j'ai dessous touché, elle seroit de plus grande efficace et plus en sayson qu'elle n'eust esté ci devant car la matiere se trouvera mieulx dispousée.

Sire, le Cardinal d'Yorc trèspassat le jour S^t André, à quarante mille d'icy, au lieu ou fust desconfust et occis le dernier Roy Richart, et gissent tous deux en une mesme Eglise laquelle l'on commence desja appeller la sepulture de Tyrans :

—de la Cause de sa mort se parle en diverses sortes ; au commencement de sa prinse jl demoura quelques jours qu'il ne vouloit rien manger, dempuys à ce l'on dit, ou que l'on luy à donne, ou qu'il aprins quelque chose pour haster ses jours. Le Lundy le Cap^{ne} de la garde arriva devers luy pour l'amener icy, il souperent ensemble faisans assez bonne Chiere, bientost après, le dit Cardinal se trouva si travaillie que l'on pensa tout du long de la nuyt qu'il deust expirer, toutesfois il vesquit jusques au mercredy et soy ordonna en bon Chrestien, protestant toujours au temps de la Reception du Sacrement, n'avoir en rien mesprins contre son Prince,—puys son dit trespas la Court a esté tresfort embesongné, si n'a l'on toutes fois encoures pourvehu de ses Benefices, et se croit que le Roy en fera son prouffit par quelque temps.

Sire, je prie Dieu donner en toute prosperité à Votre Imperiale Majesté très bonne et longue vie.

De Londres le 4^e Décembre 1530.

De Votre Majesté tres humble et très obeissant

subietz et Serviteur

EUSTACE CHAPUYS.

Number CCXXXIII.

*A life of Wolsey, by an unknown contemporary writer,
preserved in the Vatican Library. 1531.*

Vatican *Anno 1531. Ex Collectaneis Britannicis tom. 21, pag. 45.*
Transcripts, *De Thomâ Volseio Cardinale Eboracensi.*
15,387.
p. 258.

THOMÆ VOLSEIO genus non novum modo et obscurum, sed humile etiam atque sordidum fuit. Patre lanio, ac pari matre genitum ferunt, a quibus puer ad ludos est deductus non in spem doctrinæ illius, aut dignitatis, sed ut primas modo literas disceret, quarum ipsi expertes erant. Sed ille ingenio ac studio superatâ parentum expectatione, etiam tinctus liberalibus disciplinis evasit, et mox majorem fortunâ suâ animum sumens, sacerdotii nescio quid adeptus in Regiam irrepsit: in quâ paulatim succrescens, tandem ad Henricum ipsum Regem insinuandi se aditum est nactus, apud quem primo ingenio atque industriâ probatus, mox obsequio et assentatione plurimum valuit, donec gratiâ et auctoritate tantus fuit, ut Rex sæpe curas diffugiens, onus omne Regni in ipsum rejecerit; tantâ fidei, industriæque ejus fiduciâ, ut permissâ uni, laxatâque rerum omnium summâ, Regis tantum nomine penes Henricum manente, jus, atque imperium in ejus arbitrio ac potestate relinqueretur, plurisque facerent homines in publicis privatisque rebus Volseium in suam sententiam adduxisse, quam Regem; quippe, quod ille censuisset ratum erat. Regis voluntas facile auctoritati ejus cedens mutabatur.

Hinc ad Eboracensem Archiepiscopatum prædivitem, et magnæ dignitatis apud Anglos evectus, atque ingentibus auctus copiis, etiam Cardinalis, Rege id studiose petente ut crearetur a Julio Secundo Pontifice Maximo impetravit, quâ tempestate tres maximi Christianæ Reipublicæ Reges trium Cardinalium consiliis regebantur. Cæsar Matthæi Langi Gurcensis, Rex Galliæ Georgii Ambosii Rothomagensis, et Henricus hujus

Volseii Eboracensis; in quo robustum sane ingenium, plurimum solertiæ, et in expediendis, [et] explicandis magnarum rerum consiliis prompta calliditas atque industria fuit. Magnitudine Henrici, atque autoritate omni, quæ maxima erat, in hunc redundante, ne apud ceteros quidem Reges non magno in pretio atque honore fuit. Anno M.DXX. cum in colloquium Franciscus et Henricus Reges venissent, ejusque rei caussâ, et Brittannus in continentem trajecisset, et Gallus ad ultimos Belgarum fines accessisset, et positis medio in campo duobus admirandi operis tentoriis, in quibus se Reges mutuâ humanitate invitarent, acciperentque, certarent uterque ostentatione opum, tertium Thomæ Tentorium haud minus magnifico apparatu est positum, ut per omnia Regibus ipsis æquari lanii filius videretur.

Sed amplissimis quoque muneribus magnisque annuis pensionibus, et omnibus officiis cum ab eodem Francisco, tum a Carolo Cæsare certatim semper est cultus, et ab utroque honorificentissime appellatus; siquidem Franciscus ad eum scribens fratrem nuncupare erat solitus; Carolus Cæsar diu literas aliter quam manu suâ scriptas non dedit, in quibus se filium subscribebat. Sed ille in Franciscum propensior fere fuit occultis studiis, et magis fidis; sive ingenio Regis simplice, aperto, liberali delectatus, Carolum magis tectum et ab Hispanico fastu minus patentem sibi aspernabatur; sive emptus corruptusque Gallico auro, cujus fuisse avidissimum eum constat, quippe opes conguessit tantas, ut prope Regem ipsum magnitudine pecuniæ superârit. Hoc igitur fortunâ propectum animum, naturâ elatum ac tumidum, quod fere vitii novitas, et repente collecta potentia habet, eo spe et cupiditate extulerat, ut perpetuam Legationem Brittanniæ, Galliæque, et Vicariam Pontificis Maximi potestatem in amplissimis Regnis sperare ac petere a Clemente Septimo non sit veritus; cui et Franciscus assentiri, et Clemens ipse non abnuere, ne cupidum ac superbum offenderent, videri volebant; magisque arte ducta, dilataque ab utroque, quam rejecta spes ac postulatio ejus est.

Quin ipsum quoque Pontificatum maximum affectâsse eum, sunt qui tradunt; fovente de industriâ, atque alente spem ejus Cæsare, quo per illum in suas partes Henricum traheret, sociumque Gallici belli haberet. Verum victis demum magno

prælio apud Ticinum Gallis, et Francisco eorum Rege capto atque in Hispaniam abducto, facile vanas homines¹⁶ spes destituit. Quod Volseius ut ulcisceretur, auctor Henrico repudiandæ uxoris fuisse creditur. Post nuntium captæ a Cesar-ianis Urbis Romæ, et obsessi in arce Clementis, ab Henrico in Galliam missus, tantis honoribus acceptus est, ut majores haberi, ne ipsi quidem Regi potuerint. Atque ille quidem haud secus, quam si omne in se captivi Pontificis jus translatum fuisset, ita omnia pro libidine disponebat. Nam unum e Proceribus Galliæ, quem Clemens, petente Rege Cardinalem designaverat quidem, sed tempus renuntiandi eum distulerat, assumere honoris ejus insignia, seque pro Cardinale habere jussit. Nec Joannes Salviatus, qui legatione apud Regem fungebatur, objicere se Pontificum jus usurpanti, ne alieno ac difficili tempore offenderet, est ausus. At etiam Cardinales omnes evocare per literas Avenionem non dubitavit, specie quidem consultandi de Pontifice in pristinam libertatem vindicando: re autem, cupidine improbâ (si quis casus Clementem et ab hostibus circumsessum, et dolore tam adversæ fortunæ fessum atque ex eo valetudine parum firmâ, oppressisset) Pontificatum Maximum per factionem invadendi. Sed a Cardinalibus immensa vanissimi hominis ambitio facile est per varias frustrationes elusa. Apud Britannos in maximâ semper invidiâ fuit, quam incendebat, onerabatque non humilitas modo generis, et immodicæ opes, quæ in bonis quoque ac moderatis invidiosa esse solent, sed insolentia hominis, atque fastidium, quo se ita offerebat interdum, ut ni vitia ejus immota atque constans gratia Regis superaret, toleraturi Britanni eum fuisse non viderentur. Namque ille demissâ ac prope servili adulatione adversus Regem, in cæteros Regio fastu agebat. Principes gentis, magnæ viros fortunæ, ac nobilitatis, sive observandi ejus, sive rei piæ causâ, adeuntes, observantesque cubiculi sui foribus non modo spernebantur ab ipso, sed janitoribus ejus ludibrio erant, a quibus aditu sæpe exclusi, abire cogebantur.

Ipsam vero Reginam vel florentem mariti gratiâ non oderat, solum æmulatione potentiæ, et irâ in Cæsarem, cujus illa matertera erat, sed etiam despici ab se videri volebat. Quâ

¹⁶ Probably a fault of copying for *hominis*.

re muliebri odium magnopere commovit, quod diu tectum, dissimulatumque, aliquando in apertas contumelias, minasque eruperat, Reginâ impotenti irâ ulturam se aliquando suas injurias, atque sordidi sartoris arrogantiam malo repressuram minitante, quæ minæ, quamvis per superbiam spretæ a Volseio sint, tamen in animum ejus alte descenderunt. Riccardus Selleius Britannus vir primæ apud suos nobilitatis, et æqualis temporum illorum, et patriæ rerum maxime peritus, quo-cum mihi sane perfamiliaris usus, atque amicitia intercessit; libellum a se conscriptum mihi ostendit, quo ab hâc Volseii cum Reginâ simultate ortum initium tradit, malorum quæ Angliæ Regnum tot Principum cædibus, et sanguine cruentatum, tantis intestinis cladibus fractum, demum a Christianis sacris et Catholicæ ecclesiæ fide averterunt, culpamque omnem confert in Volseium, cujus pectus tumidum fiduciâ fortunæ, altius quam æquum fuit, Reginæ convicium penetravit. Qui ingenti insuper in Cesarem, stirpemque ejus odio, et inclinatione in Gallum incitatus cum acrem animum ad vindictæ cupiditatem intendisset, primum Regi scrupulum injecisse Ricardus scribit, Reginam veram esse conjugem ejus non posse, quæ ante in matrimonio fratris fuisset; quando id divinæ vetârunt leges, quas solvere ne Pontifici quidem Maximo jus esset. Non aspernante sermonem Rege, adhortatus Volseius eum dicitur, ut de eâ repudiandâ cogitationem susciperet, quâ unâ re, et alienæ consuetudine atque concubitu se liberaturus esset, et aliâ inde ductâ, in spem virilis stirpis venturus, quâ et indigne careret, et frustra ex sterili atque effœtâ expectaret; nec aliud felicitati ejus deesse, quam marem filium, quo sibi suisque firmaret Regnum, et genere ac Familiæ nomine propagato, posteritati quoque consuleret. Neque enim defuturam ei in Galliâ Regii sanguinis uxorem, et Clementem Maximum, tum e custodiâ elapsum, ac tantâ, et tam recenti a Cæsare injuriâ, cladeque affectum, ac multis difficultatibus circumventum, et quâcumque re demereri, ac devincire sibi Regem cupientem, haud difficulter passurum, impetrari a se, ut irritas priores nuptias, et contra sacratas leges factas declararet; quod cum Henricus, et tædio deflorescentis Uxoris, et cupidine liberorum, et occulto Annæ Boleniæ amore saucius, avide consilium arripuisset, in tantam ejus rei libidinem præcipitavit, ut qui ornamentum, et præsidium antea fuerat, pestis, ac de-

decus ingens Christianæ Reipublicæ evaserit, facinoræque illa, atque immania scelera ediderit, quæ nos supra cum de eo ageremus attigimus. Alii Volseium non auctorem fuisse repudii, quo Regem sua cupido, et amoris intollerantia, et assiduæ Boleniæ inter blanditias preces impulerunt, sed fovisse modo spem ejus, ut interea Regina seponeretur, ut si mos Regi a Clemente gestus foret, Rhenatam Francisci Regis Conjugis sororem matrimonio ejus destinasse (ea erat Aloysii duodecimi filia, quæ postea Herculi Ferrariensium Duci nupsit), sic enim et spem Reginæ præcisum iri mariti gratiam recuperandi, et Henricum hinc inustâ Cæsaris Domini tam insigni maculâ, amicum ei nunquam postea fore: hinc Regi Galliæ arctâ affinitate junctum, ab amicitia ac societate ejus nunquam discessurum. Verum hæc versute ac subtiliter cogitata a Volseio, non multo post, illi exitii causa fuere; ut sæpe improba mens in auctoris vertitur pœnam. Nam Bolenia in torum consortiumque recepta Regni, et Regis novo amori indulgentis potens facta, crebris criminationibus Henrici animum a Volseio, quem matrimonio suo adversatum inexpressibili odio persequabatur, penitus alienavit, qui jam ante vilior Regi esse cœperat, postquam a Clemente de suo divortio contra quam affirmans pollicitus fuerat impetrare nihil potuerat.

Igitur penes quem nuper rerum omnium potestas erat, in quo præter nomen Regis, Regia potentia, regiae opes, cultusque, ac splendor regius conspiciebantur, repente prohibitus regiâ, ab omnibus deseritur, nec aliud in domo ejus, quæ modo observantium, atque adeuntium multitudinem non capiebat, quam metus et mœror, et solitudo videbatur. Mox multatus omni pecuniâ spoliatusque fortunis omnibus abjectus et inops Eboracum ad curam sacrorum relegatur, lætantibus cunctis, et increpantibus merito afflictum; miserationem enim omnem superbia exemerat. Sed inimici haud satis depressum, qui erigi aliquando ac resurgere posse crederetur, rati, timentesque ne rediret tandem Regi desiderium viri, seu memoriæ dignitatis, seu necessitudine operæ ac industriæ ejus, eaque inde calamitas ultro iis in perniciem verteret, ni properarent ipsi, atque anteverterent; dum recens ira patentes aures criminibus præberet, urgere ac penitus tollere hominem statuunt. Confictis literis, quas ab eo ad Regem Galliæ missas interceptisse se agebat, quibus arcana cum Francisco consilia agitare,

et res novas haud dubie moliri videretur; subdunt accusatorem qui eum Majestatis postularet. At Volseius vocatus a Rege ad dicendam causam, in itinere, irâ ac dolore ferocem atque asperum animum incendente, in febrem incidit cujus vim substinere non potuit. Ita opportunâ morte, imminenti morte est exemptus. Neque enim dubia damnatio ac supplicium ejus vel insontis futurum fuisse creditur, &c.

Number CCXXXIV.

An abridged account of the case for the King. 1531.

Record
Office.

A compendious annotation of such points and articles as seemeth most vehemently to impugn the matrimony between the King's highness and the Queen's grace; the fact whereof is as followeth:—

PRINCE ARTHUR of noble memory, brother unto the King's highness, took in marriage the Queen's grace that now is, daughter to Ferdinande King of Spayn, which matrimony between them contract, solemnized and with carnal knowledge consummate, the said Prince Arthure died, leaving the Queen's grace, then his wife, widow. Whom the King's highness at that time, neither for want of age might take to his wife, ne also for such impediments as were in the law between them, as well *publicæ honestatis*, arising of the contract of matrimony made with his said brother, as also *affinitatis*, by reason of carnal conjunction with the same. Nevertheless, upon a dispensation pretended to be obtained for the said impediments, espousals were at that time contracted between the King's highness, being then not above the age of twelve years, and the said Queen, then widow. /From which espousals the King's highness, coming to the age of fourteen years, dissented, protesting that he would not be bound by those espousals, ne contract matrimony with her, like as by instruments made thereupon, and depositions of such as then were present, can be proved and shewed: after which dissent, by the space of four years, during the life of the King's highness' father, King Henry the Seventh, nothing was further attempted or done in the said matrimony to be had or contracted. After the King's highness' father was departed to God, the present matrimony whereupon we treat was first solemnly contracte and consummate, whereof hath been suscitat my lady princess, upon which fact insurgith a question whether the said marriage between the King's highness and the Queen's grace

be lawful, maintainable, and agreeable to the holy canons and laws of the church, so as thereby nothing may be objected against the said lady princess.

For the examination of which question it is first to be considered that there is in the church of God a prohibition of matrimony evident and manifest, which some doctors affirm to proceed of God's law directly, and all agree to be an old constitution of the holy canons, the authority whereof cannot be violate without deadly sin; that the brother may not marry his brother's wife. Which prohibition extendeth not only to that wife whom the brother hath carnally known, but also to that woman with whom the brother hath only contracted spousalls, although he never carnally knew her, ne openly married her, like as the Pope manifestly declareth in the chapter *Ad audienciam*, in the title *de Sponsalibus et Matrimoniiis*, where he writeth these words following:—*Scriptum est quod sponsam fratris frater habere non potest*, understanding that not only when the brother still liveth, but also after his death. So as between the brother and the brother's wife, wheré espousells or matrimony hath been contracte, and carnal knowledge hath ensued upon the same, be two impediments in the law of like strength and effect; that is to say, of the contract, *publica honestas*, and of the carnal knowledge, *affinity*.

Abbas in c. ult. de Divortiiis, Præpositus in c. *Ad audienciam*.
Glossa in c. *Licet*, de Restitu. Spoliatorum c. *Ad audienciam*, de sponsa et ma. Et glossa ibidem.

This premitted for a ground, it appeareth manifestly upon the fact before rehearsed, that the marriage between the King's highness and the Queen's grace is contrary to the prohibition of the church, and so, consequently, to be taken as no marriage, unless there appear a dispensation for the same vailable and of effect in the law.

De sponsalibus, libro sexto, c. unico.

There is a dispensation shewed, wherein is to be noted three things:

One is, that the said dispensation proceedeth not of the Pope's mere motion, but upon a supplication made and causes alleged in the same.

Secondly, that there be contained in that supplication two causes; first, the affection and desire the parties had to contract matrimony for the conservation of peace between their parents, King Henry the Seventh and King Ferdinand; second,

the good conservation of peace like to ensue of the same contract.

Thirdly, the date of the dispensation. Whereby it appeareth the King's highness was not at such time as the said dispensation was obtained twelve years old.

First, whereas it appeareth that the said dispensation proceeded not *ex mero motu*, but of a cause and supplication made unto the Pope :

Causa pro
conditione
est, quod
confirmat
Præposi-
tus in c.
Quia circa,
cum aliis
multis.
Hæc clau-
sula in
omni dis-
pensatione
subintelli-
gitur in
c. 2^o de
Rescriptis.

It is to be taken for a sure, stedfast, and certain ground, confirmed by manifold texts of the law, with the consent and affirmation of such as do interpret the same, that whensoever the Pope doth dispense upon a supplication made unto him, and, in his writing of dispensation, rehearseth the tenor of that supplication, expressing thereby the causes alleged to induce him to grant the same ; in that case, the dispensation so granted is not to be taken as mere, pure, and absolute, but as a dispensation conditional ; as though the Pope should write after this form—*If that be true* ye have alleged unto me, I dispense with you. If it be not true, I dispense not with you. So as whensoever it shall appear that the cause or causes alleged to obtain the dispensation was but colored, fayned, and not of truth, such a dispensation is to be taken as though it really had never been granted. For like as when a promise is made under a condition, as soon as the condition appeareth to fail, we account such a promise to be void and frustrate in the law, and of no more effect than it had never passed or been made : so likewise when a dispensation hath a cause inserted in it, (which cause in that case hath the nature of a condition, as is before declared,) incontinently as the cause shall appear to be a false cause and fayned, ne of truth, the dispensation is to be reputed of no force, ne strength, but all things to be taken as though no such dispensation had proceeded, been obtained, or granted.

Wherefore, if it can be shewed and made open that the causes alleged and contained in the dispensation granted for conjunction of the King's highness and the Queen's grace, the foresaid impediments notwithstanding, be false and not true, it must necessarily be concluded that the marriage between them holdeth not, but is frustrate and void by the law.

For proof and demonstration that such assertion as was alleged unto the Pope to be in the King's highness, to contract matrimony at that time with the Queen's grace for conservation of peace, was but surmised and fayned, false, and not of truth, two things be principally to be regarded, and considered, first, the young age of the King's highness, which was not above twelve years, whereby ensuing the general determination of the law, accounting the maturity of discretion not to be before fourteen years of age, it should be thought that such an affection to contract matrimony, and to contract it for the respect of peace, should not be in him. *Minorem aetatem non creditur moveri justo spiritu, ideo quod non admittitur ad irrevocabile votum castitatis.* Secondly, the protestacion of dissent, made by the King's highness as soon as his years came to mature age, when he had full liberty and perfectness of judgment, which act did declare whether his former sayings or doings in his imperfect age did proceed of an entire affection or no.

Textus in
c. *Quum
sinus*, de
Regu. et
tran. ad re.
in An., et
lex *Quum
prætor*, §
de Juditiis.
Textus in
c. *Ubi non
est consen.
de despon.
impube.*

Thus of the premisses converted and reduced to the form of an argument in this wise:—Whensoever the causes of the dispensation be false, the dispensation is void and of none effect. The causes of this dispensation be false. Wherefore it followeth the dispensation to be void; there can nothing be replied to infringe the same, unless it be denied such a protestation to be made, which resteth in declaration to be made by writing and witness, or that it shall be said that the assertion of the King's highness alleged to the Pope was no cause which induced him, wherein somewhat is more at large spoken, confirmed also by law, authority, and reason to be by such as shall reply and deny the same, answered unto and refelled.

It shall be then said percase, for defence of the matrimony, that although the King's highness had not the said affection then, yet his grace had it at such time as he contracted, indeed solemnized also the matrimony with the Queen's grace, and consummating the same.

To answer hereunto it may be said that the matrimony could not be contracted, solemnized, consummate, ne maynteyned by force, virtue, and effect of the said dispensation, which for two causes hereafter to be declared was at that

time neither good ne vaylable, but clearly frustrate and void.

Textus est
juncta
Glosa in
Clemen.
Gratiæ de
rescrip.
c. *primum*,
cum glosa
de cleri.
conjuga.
libro sexto
Archidia-
conus,
ibidem.

First, by reason of the protestation made as is before rehearsed, containing in effect a renunciation of the dispensation.

Secondly, forasmuch as the final cause of the dispensation ceased *re integrá*, that is to say, conservation of the peace between the prince of most noble memory, king Henry the 7th and king Ferdinandus, whereof the one, the King's highness' father, was then dead.

To prove the first, this argument may be made.

In Cle.
Grac. in de
rescriptis.

Whensoever a man renounceth a privilege or benefit, directly or indirectly, by express words or otherwise, he cannot afterward return thereunto again, though he would. And the same privilege, once so extinct, shall never revive, ne come to the full strength and former state again.

In § finali
Justit. de
her. quali-
tate et dif-
ferenciâ.
De æqui-
pollentiis
nihil refert
quid fiat
in L.
§ de Le-
gibus.

But so it is that the King's highness having a privilege granted unto him that he might marry the Queen's grace, the prohibition of the law and impediments notwithstanding, made protestation he would not marry her; which implied a renunciation of the said privilege, like as being made heir in a testament, and declaring that I will not be heir, I renounce that benefit; for there is no difference to be made whether I protest that I will not accept the privilege and that I will not do that wherefore the privilege was granted me.

Wherefore it followeth the dispensation to be extinct and void, and of no strength nor effect, whereby the said matrimony could then be maintained.

To confirm the second point may be brought this argument following—

Ar. in c.
Cum ces-
sante, de
appe., et
habet Præ-
positus
in c.
Quia circa,
de consan.
et affi.

Whensoever the final cause of a grant ceaseth *re integrá*, that is to say, afore anything be done by virtue of that grant, the grant ceaseth and effect thereof.

Here in this case the final cause of the dispensation ceased by death of the King's father being named as one between whom and King Ferdinande should be conserved the peace, /

Wherefore the grant of the dispensation should cease. /

Thus relinquishing and passing over many other things that may be alleged and objected against the dispensation, to infringe the same; first, the taciturnity of the King's highness'

age, being then not competent to contract matrimony *per verba de presenti*; secondly, that the dispensation was not obtained by the King's especial commandment required in that case; thirdly, that although it was taken as a thing certain here that the matrimony with prince Arthure was carnally consummate, as in the article of the treaty made between king Henry the 7th and king Ferdinande for marriage of the King's highness to the Queen's grace doth plainly appear, to the intent the Pope might the more facilly be induced to grant the dispensation, that matter being in doubt. It was telled him as a doubtful tale, *forsan inquit consummavit*; whereupon the grant might be taken as surreptitious and so consequently of none effect; fourthly, that being two impediments of matrimony the dispensation maketh mention but of one, which thing learned men do call in question. Omitting those four points and leaning to that that is before treated and reasoned, there seemeth to follow an inevitable conclusion that the dispensation is not good for three causes.

One, by reason of the false suggestion.

The second, for that it was and is extinct by the protestation.

The third, for that the final cause ceased or ever anything was done by [virtue] of that grant of dispensation.

Endorsed—

De causis impugnantibus
the matrimony between
the King and the Queen.

Number CCXXXV.

A document of the year 1531 on the subject of the Pope's supremacy.

Record
Office.

1. OBEY the king as chief and other rulers that be sent by God for proferment of good and destruction of evil. This is St. Peter's warrant for the king's supremacy, which he would have avouched for himself for discharge of his duty if such power had been committed to him by God. And here is to be noted his distribution of authority, the chief to be in kings and other in magistrates that be inferior.

2. St. Paule agreeth in many places, naming generally powers and magistrates. And if he would have had the authority of Peter understood specially, it cannot be thought but he would have mentioned it, seeing he had oftentimes conference with Peter, and thereafter taketh occasion oftentimes to name him.

3. The rest of the Apostles agree in doctrine of obedience; and yet not one of them specifieth this authority of Peter, nor give him any singular title as vicar of Christ, universal bishop, or the like.

4. The example of David's obedience toward Saul, being a reprobate king, is so great and singular, being weighed with due circumstances of the text, that it may well appear to the indifferent reader, there was never such authority in any priest of the old law nor new, whatsoever order he was of; likewise in David himself by the disposition of God was a singular pre-eminence, as may well appear by the text alleged in Peter, in the Acts of the Apostles: "*The Lord said to my lord, sit of my right hand;*" where Peter proveth that to sit of the right hand of God was given to Christe and not to David, because it seemed to be the opinion of the Jews that next God, their king David had authority, and therefore this place might be understood of him.

5. Ecclesiastes, preaching of obedience, in diverse places



speakeeth of the king's authority with singular and special phrase,—*Beware that thou think not evil in thy heart of the king, for though thou do it privily in thy chamber, the birds of the air will declare it abroad and make report of thy fault.* The Holy Ghost would never with such precise words specially have forbidden disobedience against the king, if there were not in the king a supreme authority above all other, lay or spiritual. And thus much for doctrine. Now for example and doings of the prophets in the Old Testament and the apostles in the New Testament.

6. We see the kings good and bad were obeyed of all states, as David in his well doing and evil; though Nathan told him his fault, yet he honoured him as king.

7. Samuel when he knew Saul to be out of the favour of God yet honoured him as his king and chosen governor.

8. Hieremias, Ezechiel, Ezechias, told plainly the kings their faults and opened God's plagues to come to them and to the people; yet they did always with obedience use them, and knowledge them as only supreme governors without any such distinction as we make of the lay and the clergy. This for the Old Testament and prophets. Now for the New Testament and the apostles.

9. Paul, being accused of a spiritual matter, as himself declareth with these words before Agrippa,—*I am accused* (saith he) *for hope that I have of the resurrection of the dead;* nevertheless he knowledged first the inferior officers of Rome, as appeareth in the text; and after used the ordinary benefit of appeal to Cæsar as his ordinary and supreme judge.

10. Peter suffered shortly after at Rome, as it is written, agnising the authority likewise; for though he were willing to die for maintenaunce of Christ's doctrine, yet for his conscience sake he would have excepted against the jurisdiction of Cæsar if Christ had given him this pretended supremacy in ecclesiastical causes; for if it had come from Christ, as is pretended, it were a piece of Christ's doctrine which Peter would both have uttered and testified with his death as he did the rest.

11. All the rest of the apostles nother in their life, nother at their death did ever use Peter as their superior any manner of way, nor did at any time avouch or once mention this pretended title.

12. For the special favour of our Saviour Christe, it appeareth that he did more singularly declare it to Paule than Peter, if it be lawful to make comparison in this case, as first by the whole process of Paule's calling in his journey to Damasco it may appear, and likewise by Paul's confession, declaring that he was in revelation taken up to the third heaven and there saw such mysteries as were not to be spoken. This revelation had been meet for Petre, if there should be thought in him a pre-eminence above the rest. And St. Paul, when he saith he had conference with the chief of the apostles, reckoneth Peter not alone but with James and other, and calls them together by a common name, *columnas*, that is the pillars, meaning the chief and of most estimation.

Ad Corin.

Ad Galathas.

13. And indeed if we shall argue of the special friendship of our Saviour Christ, it seemeth by the Gospel that John the Evangelist ought to be preferred before all other, both for that he lay familiarly in his bosom, as the text saith, when they were together; and the apostles being desirous to know who should betray Christ, they made him their mean for that purpose; and Christ seemed to take it well, for forthwith he declared the matter to John by a special token; and the text calleth him the disciple whom Christ loved, which also appeareth evidently when our Saviour, nailed to the cross, recommended this Jhon specially to his mother and likewise his mother to him. Finally it may appear by our Saviour's talk had with Peter of the same Jhon; for after Peter had received instruction for himself, it seemeth he had a certain curious thought to know what should become of Jhon; and therefore moved our Saviour Christ therein. He answered, *What if I will have him tarry till I come, what is that to thee?* This answer declareth towards Jhon a great affection of our Saviour Christe touching his preservation, and seemeth but harde toward Peter, rebuking his curiosity.

14. Succession need not to be mentioned; for if this pretended supremacy were not in Petre, then succession from him spoken by our Saviour Christe to Peter touching the keys, the foundation of Christ's Church and feeding and instructing the same, it doth evidently appear to the indifferent, by conferring these with other plain texts of the Gospel that there was carnal respect in our Saviour Christ in these matters, other

touching Peter's several person or other bishops that succeeded or severally to the see of Rome, on any prescription of time; which partial respects be contrary to the liberty of the Holy Ghost in the Gospel, and therefore they have a spiritual understanding of the true faith and give a general commission to all pastors and apostles of Christe's Church that they labour in teaching and edifying of it as appertaineth to their duty. fol. 3 b.

15. As for interpreters and counsels, these be not indifferent in this matter, because they have been abused by the ambitious bishops of Rome for maintenance of their pretended authority, which as it may otherwise appear, so it may in this be found, that those holy men and martyrs that were next the apostles' time required not nor used not this spiritual monarchy, and the other that were modest and virtuous afterward refused it, and most of them that have sought it and enjoyed it have been of such detestable life and maintained such wicked doctrine that they might rather seem to claim succession from Caine than from Cephas, and from Pluto rather than from Peter.

16. The conclusion is, seeing both the sayings and doings of the prophets and apostles bear full witness of the king's supremacy, and none for any bishop or priest, and that the words of our belief bindeth us to credit that Church that is universal and hath the doctrine of the apostles, it is to be thought al God's servants and they that love and serve and believe in his Son and our Saviour Jesu Christe will receive without contradiction degrees of authority as the Holy Ghost hath distributed them in the holy Scriptures of the Old and New Testament, and forsake and detest this wicked and ambitious usurpation of the Romish jurisdiction, founded upon covetousness, maintained by cruelty, and continued to the great hindrance of the Gospel and supportation of superstition and carnal liberty.

Number CCXXXVI.

Letter from Clement VII to Henry, forbidding his marrying any other woman, January 5, 1531.

Le Grand, iii. p. 531. CLEMENS Papa VII. universis et singulis præsentis literas inspecturis salutem, et apostolicam benedictionem.

Exponi nobis nuper fecit charissima in Christo filia nostra Catharina Regina Angliæ illustrissima, quod licet alias nos, postquam causam et causas recusationis ac appellationis et appellationum, ac validitatis seu invaliditatis matrimonii ex dispensatione apostolicâ inter Reginam ipsam, et charissimum in Christo filium nostrum Henricum Angliæ Regem illustrissimum et fidei defensorem, multis jam decursis annis prole susceptâ contracti et pacifice continuati, ipsiusque dispensationis ac inter eos divortii dilecto filio nostro Laurentio S. Mariæ in Transtiberim, et bonæ memoriæ Thomæ S. Cæcilie presbyteris Cardinalibus in regno Angliæ tunc nostris et Apostolicæ sedis legatis de latere, omni recusatione et appellatione remotis, per eos in eodem regno cognoscendas per nos commissas ab ipsis Cardinalibus tunc legatis ad nos et sedem Apostolicam pro parte ipsius Reginæ interpositæ, et interpositarum ad ipsius Reginæ supplicationem dilecto filio magistro Paulo Capisucio capellano nostro ac causarum palatii apostolici auditori, per eum audiendas et coram nobis in consistorio nostro secreto referendas nobis, etiam cum potestate Regem ipsum et alios citandi, ac eis et dictis Cardinalibus legatis, inhibendi etiam sub censuris et pœnis etiam pecuniariis et per edictum publicum constituto summarie et extrajudicialiter de non tuto accessu, et alias commiseramus;

Ipseque Paulus auditor, constituto sibi de non tuto accessu, citationem ipsam cum inhibitione sub censuris, ac decem millium ducatorum auri pœnis, per edictum publicum in certis locis almæ urbis nostræ, et in partibus in collegiatæ B. Mariæ Brugensis, Tornacensis, et parrochialis de Dumkerke oppidorum Morinensis diœcesis ecclesiarum valvis affigendum,

decreverat, et in eis præmissa legitime executæ fuerant ac dictis Regi et aliis omnibus, ne in præjudicium litis et jurium dictæ Reginæ interim aliquid innovarent, mandatum fuerat, licet revocatis postea quoad ipsum Regem pœnis et censuris in inhibitione ad conquestionem ipsius Reginæ nobis asserentis ad ejus aures pervenisse; Regem ipsum lite pendente ac inhibitione et mandato sibi factis prædictis non obstantibus, se jactare ad secundas nuptias de facto devenire velle in ipsius Reginæ præjudicium non modicum, ac Regis prædicti animæ periculum;

Cupientes prout nostro pastorali incumberebat officio præmissis providere, eidem Regi, ac quibusvis utriusque sexûs etiam illius domesticis, ac etiam consiliariis secretis, et aliis cujuscumque gradûs statûs dignitatis et excellentiæ personis districtè per alias nostras in formâ brevis literas sub datâ Bononiæ die septimâ martii pontificatûs nostri anno VII. interdixerimus, prohibuerimus, et districtius inhibuerimus, omnem licentiam, potestatem, et facultatem ab eis auferentes, ne sub majoris excommunicationis, suspensionis, et aliis sententiis, et censuris, etiam interdicti appositionis, et ipsarum personarum inhabilitatis, et aliis pœnis, si contra fecissent incurrendis;

Ipseque Rex ne, antequam per debitam et finalem litis, et causæ hujusmodi expeditionem clare liqueret, id sibi licere de jure cum aliquâ muliere cujuscumque dignitatis et excellentiæ, etiam vigore cujusvis dispensationis, etiam apostolicæ sibi vel eidem mulieri etiam per nos concessæ, aut desuper quomodolibet obtentæ vel obtinendæ, matrimonium vel sponsalia contrahere, vel forsan contracta et consummata etiam prole susceptâ continuare; personæ vero prædictæ, ne illis interesse, nec de eis se intromittere præsumerent, etiam illis, ac Cardinalibus legatis, ac aliis quibuscumque inhibendo, ne de prædictis aut dicto matrimonio, comminato etiam sub nomine legatorum, aut privatim aut alio quocumque modo præsumerent, prout in eisdem literis plenius continetur;

Et nihilominus, etiam post earundem literarum nostrarum prædictarum in locis prædictis publicationem, affixionem, et executionem, quod non absque animi nostri displicentiâ intelleximus, adhuc Regem ipsum lite et illius ad nos advocacy, inhibitione, interdicto, prohibitione, et mandato nostris

prædictis non obstantibus, ad secundas nuptias de facto devenire, ac in causâ et causis prædictis, etiam per nonnullos prætensores judices seu personas in illis partibus procedi facere et attentare velle, in non modicum ipsius Reginæ præjudicium ac Regis prædicti animæ periculum, nostrique et sedis Apostolicæ mandatorum contemptum:

Quare pro parte ipsius Reginæ nobis fuit humiliter supplicatum, ut ejusdem honori ac ipsius Regis animæ saluti totiusque regni tranquillitati consulere scandalisque quæ exinde oriri possent obviare, aliasque in præmissis opportune providere de benignitate apostolicâ dignaremur.

Nos igitur attendentes justis et honestis petitionibus nostrum assensum denegari non debere, hujusmodi supplicationibus inclinati, autoritate apostolicâ de venerabilium fratrum nostrorum S. R. E. Cardinalium consilio pariter et assensu, sub irritantis decreti pœnâ, per hoc nostrum edictum publicum in audientiâ nostrâ contradictarum denuo publicandum, ac earumdem ecclesiarum valvis affigendum, cum alias præfato Paulo auditori constiterit ad illud eidem Regi intimandum non patere accessum, prout de præsentis non patet, eidem Regi et quibusvis utriusque sexûs; etiam illius domesticis et secretariis, ac ipsius regni etiam Cantuariensi legato nato, et aliis primatibus, archiepiscopis, episcopis, ac etiam consiliariis secretis, consiliis, parlamentis, universitatibus, collegiis etiam judicum, et aliis quibuscumque cujuscumque statûs, gradûs, ordinis, conditionis, dignitatis et excellentiæ personis et judicibus, quocumque nomine nuncupatis dignitate fulgentibus et autoritate functoris districte interdiciamus, prohibemus, et districtius inhibemus, omnem omnino licentiam potestatem, et facultatem ab eis auferentes, ne sub majoris excommunicationis et suspensionis, ac quarumvis ecclesiasticarum dignitatum, feudorum, beneficiorum, officiorum, et bonorum ecclesiasticorum et sæcularium, ac inhabilitatione ad ea et quæcumque alia in posterum obtinenda, latæ sententiæ pœnis eo ipso, si contrafecerint, vel eorum aliquis contrafecerit, incurrendis:

Ipse Rex, ne antequam per debitum et finalem litis et causæ hujusmodi expeditionem clare liqueat id sibi licere de jure cum aliquâ muliere, cujuscumque dignitatis et excellentiæ etiam vigore cujusvis desuper forsân sibi, aut tali mulieri, aut alias quomodolibet etiam per nos et sedem prædictam concessæ, vel

concedendæ contrahendi licentiæ contracti, aut approbationis; nec aliqua mulier cum eodem Rege matrimonium vel sponsalia contrahere, vel forsã contracta et consummata, etiam prole susceptâ continuare; inhiendo etiam prædictis, vel quibusvis aliis, quibuscumque etiam parlamentis, ne de lite et causâ hujusmodi et aliis prædictis, ac dicto matrimonio comminato etiam sub nomine legatorum, aut privatim, aut alio quocumque modo se intromittant: sed cum etiam lite pendente nullus debeat possessione conjugii et debiti conjugalis spoliari, idem Rex, ut talem principem et Christianum catholicum decet, dictam Reginam maritali tractet affectione, et litem ipsam coram ipso Paulo legitime prosequatur, et illius finem suâ solitâ prudentiâ patienter expectet; ut propterea, si Rex præfatus vel alii inhibitioni, prohibitioni et interdicto hujusmodi contravenerint, tale matrimonium seu sponsalitia, ac omnia et singula tam per Regem, quam personas, parlamenta, universitates, collegia, et judices præfatos, et quoscumque alios gesta et facta, præsumpta vel attentata tanquam nulla, irrita et inania de similibus consilio et assensu irritamus et annullamus, ac prolem ex tali conjugio conceptam, genitam, susceptam, concipiendam, vel suscipiendam, tanquam in malâ fide et illegitime ac ex adulterio natam illegitimam fore et esse decernimus;

Regemque ipsum, ac omnes alios supradictos sententias, censuras, et pœnas prædictas ex nunc, prout ex tunc incurrisse declaramus, et ut taliter publicari ac publice nuntiari et evitari debere volumus, atq; etiam mandamus, &c.

Quocirca vobis et singulis vestrum etiam in dignitate constitutis, sub excommunicationis latæ sententiæ pœnâ, districtè, præcipiendo mandamus, quatenus postquam præsentès ad vos pervenerint, seu vobis præsentatæ fuerint, et commode poteritis, easdem præsentès litteras in dictâ audientiâ contradicatarum publicari, et valvis earundem Ecclesiarum affigi, et paulisper inde amoveri, et earum copiam collationatam eisdem valvis affixam dimittere, et demum super publicatione, et affixione et dimissione, publica et authentica instrumenta manu propriâ Notarii coram testibus fieri faciatis, et de his omnibus ac aliis quæ in præmissis per vos gesta fuerint, nos seu Paulum auditorem prædictum, certiores reddere curabitis; nos enim

præsentium litterarum publicationem, affixionem et copiae dimissionem per vos faciendas, postquam factæ fuerint eosdem Regem et alios supradictos perinde tractare, ac si præsentibus omniaque in eis contenta, eis personaliter intimata, ac illarum copiae eis datæ, traditæ et dimissæ fuissent, et nihilominus quicquid per Regem et alios prædictos, et eorum quemlibet, contra præmissa factum vel actum fuerit, nullum penitus et invalidum, nulliusque roboris vel momenti decernimus, non obstantibus¹⁷, etc.

Dat. Romæ apud S. Petrum sub annulo piscatoris die 5 Januarii MDXXXI. pontificatûs nostri anno VIII.

EVANGELISTA.

¹⁷ This document is printed from Le Grand, and has been corrected from the copy in Raynaldus, tom. xiii. p. 299. The latter is full of mistakes. The breve to the same effect of March 7, 1530, has been printed in Tierney's edition of Dodd's Church History of England, vol. i. p. 366, and in Audin's Life of Henry VIII, p. 412. Both these copies were taken from Le Grand, vol. iii. p. 446. This second breve appears in Audin, p. 414, who has copied it from Le Grand.

Number CCXXXVII.

*Letter from the King to the Pope, written January 6, 1531,
again urging the promotion of Ghinucci to the Cardinalate.*

SANCTISSIMO Clementissimoque Domino Nostro Papæ.

Beatissime pater, post humillimam commendationem, et
devotissima beatorum pedum oscula. Dum nuncium expecta-
remus, Reverendum Dominum Episcopum Wigorniensem in
novissimo hoc quatuor temporum festo fuisse a vestrâ Beati-
tudine in Cardinalem creatum, ex Domino Benet oratore
nostro plurimum dilecto, cui hanc dignitatem apud vestram
Sanctitatem nostro nomine instantissime procurandam com-
miseramus, præter nostram quidem expectationem intelleximus,
ingens hoc nostrum desiderium fuisse dilatum, multasque
fuisse a multis difficultates injectas, quo non absque
nostri honoris læsione omnino impediretur, illudque etiam
Domino Wigornienti per speciem, re autem verâ expectationi
huic nostræ plurimum obfuisse, quod non Anglus, sed Italus
natione extet.

Proinde, Beatissime pater, quum de vestræ Sanctitatis
paterno in nos animo, et nobis gratificandi voluntate non
adhuc penitus desperemus, sciamusque aliorum sententias
tum in hoc, tum in cæteris omnibus Vestræ Sanctitatis
arbitrio non repugnantes esse debere, soloque nutu in suam
ipsam opinionem pertrahere reliquos posse: voluimus iterum
atque iterum pro Domino Wigornienti instare, non antea precibus
nostris modum imposituri, quam optatum fructum a vestrâ
Beatitudine reportaverimus, beneficiumque tanto majus in nos
collatum putabimus, tanto tenacius pectori nostro inhærebit,
tantoque ad reponendam gratiam promptiores erimus, quanto
rebus ipsis voto hoc nostro impetrato manifestius perspiciemus,
vestrâ Sanctitate ex corde juvante, injectas ab adversariis
difficultates nos tandem superâsse. Quod vero adduxerint aliqui,
Wigorniensem non Anglum, sed Italum natione esse, leve certe
hoc putamus esse nostri rejiciendi desiderii argumentum, in

Vatican
Transcripts,
and
Theiner,
p. 589.

quo refellendo non admodum laborabimus, apud vestram præsertim Sanctitatem, quæ suâ prudentiâ potest tam frivolum objectionem facillime convellere, sed mutabunt illi, nisi omnis rationis fuerint expertes, suam hanc opinionem, si meminerint Reverendum Dominum Wigornensem Episcopatum habere in hoc nostro Regno, ob suamque prudentiam, et in arduis rebus expertam fidem jampridem esse inter dilectos nostros subditos et consiliarios adnumeratum, nec nationis nomine unumquemque nobis carum esse, sed eos imprimis, quorum virtus commendatos nobis effecerit, et non quos nationis origo ditioni nostræ duntaxat subegerit. Vestram igitur Sanctitatem vehementissime rogamus, ut in Domino Wigornensi in Cardinalem creando dignetur omnibus omnium objectionibus se nobiscum opponere, ardentissimoque huic nostro voto benigne adnuere, persuasumque sibi habere, ut non temere ad Wigornensem commendandum adducimur, ita ad referendam pro hoc accepto beneficio gratiam non tardos aut tepidos nos futuros. Et felicissime ac diutissime valeat Sanctitas vestra. Ex Regiâ nostrâ Grenwici die 6 Januarii M.D.XXX.

Rogamus Sanctitatem Vestram ut velit nobis hanc gratiam concedere et honorem nostrum in eâ protegere.

Ejusdem Vestræ Sanctitatis

Devotissimus atque obsequentissimus filius,
Dei gratiâ Rex Angliæ et Franciæ, fidei
defensor ac dominus Hiberniæ,

HENRICUS.

Number CCXXXVIII.

*The Pope's answer to Henry's letter of Dec. 6, 1530,
written January 7, 1531.*

REGI ANGLIÆ.

Nunquam quidquam tam acerbe dicet aut scribet ad nos serenitas tua, ut et veteris nostræ erga te benivolentiæ, et ejus personæ, quam gerimus, a quâ longissime omnis iracundia abesse debet, obliviscamur. Itaque minime perturbato animo respondebimus ad literas tuas VI. Decembris datas: quas quidem asperius, quam tua voluntas tulerit, aliorum impulsu scriptas judicamus; condonabimusque Deo primum Regi regum, deinde serenitatis tuæ meritis erga nos omnem criminationem et querelam tuam, quâ nos multis verbis tanquam erga te injustos et Reginæ in Cæsaris gratiam faventes arguis, quod causam matrimonii inter te et illam non isthic, ut velles, sed hic per nos ipsos cognosci et decidi velimus.

Raynald.
tom. xiii.
p. 230.

Quam rem, fili, si semoto affectu et sedatâ perturbatione, ut optamus, perpenderis, nimirum, quæ tua semper fuit æquitas, liquido perspicies, nos aliud quam quod facimus, salvâ honestatis et justitiæ ratione, facere non posse; aliquid etiam forte fecisse, quod nonnihil in te propensi aliquibus visi fuerimus.

Primum enim, ita cupiente te, legatum isthuc misimus, qui cum altero Cardinale et legato isthic existente rem propius cognosceret, et quod optabamus, si fieri posset, viâ concordiae terminaret: quem quidem non antea revocavimus, quam Regina multum ante questa se ream et alienigenam ad forum actoris trahi, cumque eo in suo regno litigare cogi ad cujus nutum omnia in regno agantur. Tandem ab ipsis legatis ad nos et sedem Apostolicam appellavit; juramentum quoque perhorrescentiæ et suspicionis suæ per legitimum procuratorem in Romanâ curiâ præstitit: tum vero nos, qui justitiæ debitores omnibus sumus, veterem hujus sanctæ sedis morem, et juris communis dictamen in hâc secuti, cum causam pergravem super spirituali

sacramento, et in tanto scandali periculo inter potentissimos Reges tantâ animorum contentione permotam videremus; nos ipsi eam cognitionem suscipiendam duximus, non quod laborem hunc et molestiam libenter amplecteremur, ex quâ tantum taedii hausimus, sed ne nostro officio, et prædecessorum nostrorum consuetudini deessemus.

Itaque justitiæ tantum debito adducti, quamquam serius multo quam debuissimus, et re multum dilatâ, tandem de unanimi voto et consilio omnium venerabilium fratrum nostrorum Sanctæ Romanæ Ecclesiæ Cardinalium causam appellationis a Reginâ interpositæ in nostro rotæ auditorio, quod doctis et probatis viris refertum est, omnesque Christianitatis præsertim ecclesiasticas causas dijudicare consuevit, ita commisimus audiendam, ut ex utriusque partis juribus discussam nobis postea, referrent in consistorio nostro, et cum eorundem Cardinalium consensu, et consilio, et sententiâ decidendam: quæ quidem et ex se ardua ob qualitatem articuli discutiendi, et ex personis præcellens nostræ potissimum decisioni apta et reservata videbatur, ut Regum causæ non ab alio, quam a summo Pontifice et sede Apostolicâ judicarentur. Quid aliud aut serenitas tua si nostro loco fuisset, aut quispiam alius recti cultor in hoc egisset, quam quod nos egimus? Dedimus iudices in tuo regno quoad pars non contradixit: at ubi illa reclamavit et appellavit, quâ ratione appellantem non admitteremus, cum illa iudicium ex loco et personis suspectum allegaret, suspicione non solum verisimili, sed etiam jurejurando ejus comprobata?

Hic tua serenitas verbis pluribus nullam suspicionis causam fuisse contendit, propterea quod humanissime semper permiseritis Reginam suo jure libere uti: quod et nos credere volumus: sed tamen illi aliter credent, et juramento etiam affirmanti deesse in appellatione admittendâ, et causâ committendâ non potuimus: id quod jure cautum, et consuetudine semper observatum fuit.

At controversia ibi decidenda, ubi nata est. Ita quidem, nisi ubi suspicio a parte intenditur, metuiturque collitigantis potentia, quæ etsi non verâ et rationabili suspicione, animum inferioris conturbet et minuat. Quod si tua serenitas de nobis etiam ipsis, qui iudices et communes patres sumus, suspicatur ne plus alteri, quam tibi faveamus, quem putas

esse debere Reginæ metum adversus te ipsum in tuo regno litigandi; cum præsertim idem ipse venerabilis frater archiepiscopus Cantuariensis, cui rem committi voluisses, quem nos alioqui virum fide et probitate præstantem arbitramur, pro te contra ipsam Reginam nobis scripserit, et studiose cum cæteris supplicaverit? Nec nos hoc dicimus quod de justitiâ et integritate tuâ aliquid sinistri suspicemur; sed cum Regina eum locum se suspectum habere dicat atque etiam juret, cum cujus supremo et potentissimo domino litigat, res ejusmodi est, ut huic suspicioni apud omnes, nedum apud judices, amplam facere fidem possit, utque tua probitas et humanitas alioquin perspecta est, ita in hâc dumtaxat causâ, quæ tuâ tam interest, non potest ex Reginæ animo ea suspicio ac metus convelli; cum præsertim inhibitione per edictum decretâ, judici non solum ex Reginæ juramento, sed ex testium depositione constiterit locum ei tutum non esse, non modo isthic litigandi, sed ne citationes quidem adversus serenitatem tuam exequendi: quæ nos quidem, fili, tecum familiariter agimus, quam judicis officium postulet, cujus non est rationem ulli partium reddere, quid quâ ratione faciat: sed impellimur benivolentiâ in te nostrâ, ut personam erga te parentis potius, quàm judicis in scribendo gerere velimus, cupidi convellere suspicionem de nobis tuam falso conceptam, mutuumque ac veterem nostrum amorem, si per te liceat, conservare: quod ut justius a te impetremus, acrimoniæ literarum tuarum non pari asperitate, sed paternâ tantum charitate respondebimus. Multa sunt enim in tuis literis, quæ tuæ serenitatis sapientiam et æquanimitatem solitam, nonnihil etiam modestiam desiderent, quæ nos quidem libenter omittimus, idque in primis quod tam crebro impingis nos Cæsari esse addictos, cui nos quidem, ut non negamus nos esse, et debere esse amicos ob communem tranquillitatem, et nostrum etiam officium, ita illius causâ contra tuam serenitatem, aut quemquam alium nihil unquam injuste facturi sumus: quod si illi non concedimus, contra te, ne tuæ quidem æquitatis est postulare, ut quidquam pro te injuste contra illum faciamus: quamquam quod verissime dicimus nunquam Cæsar a nobis quidquam in hâc causâ postulavit, nisi quod jus merum posceret: in quo si ejus matertera a te vinceretur, tum se libenter acquieturum semper dixit, quandoquidem nulla ad eum hujus rei culpa pertineat; sed in authores ejus matri-

monii tota sit rejicienda: tantum se pro sui ratione honoris contendere, ne Regina per vim aut injuriam opprimatur.

Illud vero miramur queri serenitatem tuam, et de literis interceptis, quod falso tibi relatum est, et prohibitos fuisse tuos Bononiæ, et in aliis terris nostris, ne consilia et allegationes juris prudentum pro te conquirent: cum nos id tibi licere voluerimus, literasque etiam nostras ad hoc concesserimus, quas tu cum testes habeas nostræ voluntatis, nullas habes tuæ suspicionis: quod si probetur nobis ullos nostros in hoc deliquisse adversus et literas et voluntatem nostram, aut nuntium nostrum apud Regem Christianissimum imprudentius de hâc causâ fuisse locutum, ostendemus id vehementer nobis displicuisse.

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Quod adjicis, Christianissimi Regis precum rationem non haberi, prælatorum et nobilium tui regni intercessionem a nobis contemni et derideri; nos quidem id quale sit prorsus non videmus, cum et maximi faciamus eos, sicut merentur, et ipsius Christianissimi causâ id studiose petentis rem primo ad unum mensem, deindeque ad quadraginta dies produxerimus, plurimum quidem reclamantibus Reginæ procuratoribus; prælatis autem et nobilibus tuis humanissime responderimus; rationes quoque adduxerimus cur quod peterent concedere nequiremus, qui sane nullius precibus eguissemus in tibi complacendo, si simul tibi et justitiæ placere potuissemus: nec vero idem Rex singulari vir æquitate, nec tui etiam prælati et nobiles pro tuâ integritate aliud petendum a nobis duxerunt, aut se petere in animo et sensu suo existimârunt, quam quod justitiæ congrueret: cujus quidem tanta vis est, ut neque Rex, neque prælatus, neque nobilis ullus rem injustam sciens petat sicut nec alteri ipse concederet.

Atque hoc totum intelligi volumus de solo appellationis articulo, quam non admittere locumque judicii non mutare non potuimus, ita communi jure communique consuetudine exigentibus; nam de principali negotio nihildum loquimur, propterea quod jura partium a nobis nondum cognita et discussa sunt, quæ nos quidem, si a tuis exhibebuntur, ita medii et in neutrum declinantes æquo affectu parique lance expendemus, ut omnibus recto sensu euntibus manifestum hinc sit futurum, nos humanis affectibus non servivisse; nos te in charissimi in

Christo filii loco semper habere, tuique regni privilegia et tueri et augere cupimus: quibus quidem nullum fieri videmus præjudicium, si causa hæc mere ecclesiastica, et tanti momenti inter Regem et Reginam super matrimonio vertens a Romano Pontifice judicetur, cum in ipso regno ob rationabilem Reginæ suspicionem judicari non possit.

Verum si humano more aliquid serenitas tua in hoc concupierit, quod ei magis libeat, quam nobis liceat, petimus a te ne pluri tuum desiderium facias, quam nostrum officium a nobis fieri permittat: quod si a tuâ serenitate non impetrebimus, dolebimus quidem maxime; sed tamen etsi de iudicio aliquid, nihil certe de amore in te nostro diminuemus. Oramus Deum omnipotentem, ut te eundem nobis, et universæ Christianitati, quem antea præstet, communi tranquillitati et divino honori semper inservientem, quod et futurum speramus: nos enim, demptâ hâc unâ personâ iudicis, eos nos tibi semper præstabimus, qui erga te antehac fuimus, esseque debuimus, quemadmodum hæc latius dilectus filius baro Burgii nuntius apud te noster tuæ serenitati explicabit, cui fidem solitam habere velis.

Dat. Romæ die 7 januarii MDXXXI. pontificatûs nostri anno octavo.

Number CCXXXIX.

Letter from the King to the Pope, in Vannes' hand, written February 13, 1531, approving of the proposal to hold a General Council.

Vatican
Transcripts
and State
Papers,
vol. vii.
p. 284, and
Theiner,
p. 589.

SANCTISSIMO Clementissimoque Domino nostro Papæ.
Beatissime pater, post humillimam commendationem et devotissima pedum oscula beatorum. Christiana charitas, quæ omnes omnium dolores et gaudia communicat, in nobis id efficit, ut semper indoleamus, quotiens aliquid nunciatur, quod vel aliorum quieti et tranquillitati adversari, vel ad bonorum expectationem minus prospere succedere videatur. Ita quod Sanctitatis Vestræ Breve primâ die Decembris ad nos datum significavit, et nos longe antea ex aliorum litteris, ac ipsâ deferente famâ intellexeramus, Cæsarem etiam, si multam in eâ re operam navaverat, non omnia tamen ex sententiâ cum Germanis composuisse, quæ ad fidei et religionis causam pertinerent, vehementer sane nos commovit, et ad cogitationes adegit graves molestasque de statu christiani orbis, et multifariis in eodem corruptelis partim ignorantia receptis, partim maliciâ irrupentibus, nonnullis vero etiam conniventia admissis atque neglectis, quarum omnium avulsio, ut aliquando contingat, et vinea Domini, omni suâ parte, tribulis expurgetur, ac ad illam culturam, quam Deus ipse, datâ nobis pro instrumento scripturâ, constituit, revocetur, non possumus nos generale Christianorum Concilium in Spiritu Sancto congregatum non optare ex animo, et Vestræ Sanctitatis in eâ re studium non vehementer laudare, simulque non indolere, quod frequentiora Concilia hactenus habita non sint, quæ certe effecissent, ut nec vel illâ Germaniæ peste, vel aliâ quâvis ægritudine in Ecclesiâ Christi hodie laboraretur. Hoc igitur Concilium perquam necessarium judicamus, atque ob zelum, quem erga Christianam religionem et publicam tranquillitatem gerimus, in eo fovendo juvandoque nulli christiano Principi cedemus, nec nos quicquam omitemus, quod cum Deo publicoque omnium

bono esse posse putaverimus. Unum certe est, quod imprimis curandum esse existimamus, videlicet ut is locus de Principum consensu statuatur, qui omnibus ad conveniendum nullo discrimine tutus commodusque re verâ extiterit, alioquin multorum bene sentientium labores, consilia vigiliæque nullo cum fructu periclitabuntur. Quod vero ad nostram in futuro Concilio præsentiam attinet, eâ de re, quum de loco constitutum erit, ita deliberabimus, ut si minus corpore adesse præsentis, ita exposcente rerum nostrarum statu, possimus, ejusmodi certe legatos nostro nomine mittendos curabimus, qui vices nostras supplere et obire valeant, velintque, ut nihil possit a nobis in eâ parte desiderari, quod ut in Rempublicam cedat Christianam, Deum semper precabimur, utque præsentium calamitatum miseratus Vestræ Sanctitatis consilia regat disponatque in melius. Sed super hiis cum ejusdem Vestræ Sanctitatis apud nos nuncio sumus copiose colloquuti. Et felicissime ac diutissime valeat eadem Vestra Sanctitas.

Ex Regiâ nostrâ prope Westmonasterium die 13 Februarii M.D.XXXI.

Ejusdem Vestræ Sanctitatis

Devotissimus atque obsequentissimus filius
Dei gratiâ Rex Angliæ et Franciæ, fidei
defensor ac Dominus Hiberniæ

HENRICUS.

Sanctissimo Clementissimoque Domino nostro Papæ.

Number CCXL.

Draft, in Vannes' hand, of the preceding letter from the King to the Pope, approving of the idea of holding a General Council; written Feb. 13, 1531.

Vitell.
B. xiii.
fol. 135.

BEATISSIME pater, certe incredibili semper animi [delectatione] afficimur, quotiens aliquid nobis nunciatur [quod ad] religionis statum, ad cujus normam optimus [quisque] debet Duce Deo su[as res] actionesque componere, ullo modo perti[nere vel] publicam tranquillitatem alicunde inter[ruptam adjuvare] posse videatur. Longe antea Beatissime pater, [ex fide] dignorum literis et sermone, atque etiam [ipsâ deferente] famâ, quam vestræ Sanctitatis breve de univ[ersali indi]cendo Concilio primâ die Decembris [ad nos scriptum] nobis redderetur, intellexeramus quam [parum Cæsarea] Majestas in Lutheranâ comprimendâ he[resi et in cæteris] Germaniæ sedandis tumultibus proficere potuer[at. Sed cum] triste novum nunc esse Vestræ Sanctitatis [Brevi denuo] confirmatum, non potuimus ex commun[i Christianorum] principum officio, non gravissime ferre [nostrorum] temporum infælicitatem quæ radices [suas altius] egisse videtur quam facile, nisi unum D[eum nostris] conatibus proposuerimus, convelli qu[eant].

Ex animo quidem indolemus neque cor[dis soli]citudine Vestræ Beatitudini cedimus quod spes [quas de con]ventu Augustæ a Cæsare hab[ito, conceperamus] tam parum ejus expectationi ex ex cujus eventu nunc
[Si] vero immensis illis et innumeris morbis qui hodie medicam manum exposcunt quærat remedium, simul etiam tot malis et invalescenti [morbo non] occurritur, non possumus de generali [Christianorum co]ncilio indicendo, sanctissimum institutum non [magn]opere laudare; ex hocque rerum statu manifeste colligimus, [si] frequentiora concilia antea fuissent habita, [vel si] posthac in ingruentium malorum initio [ha]beantur, non tam crebro Christianæ [rei] publicæ quietem labefactatam aut

pertur[ba]tam iri, nec Christi religionem et [pro]priam salutem, sic omnibus [co]ntemptui neglectuique futuram.

Hoc igitur concilium perquam necessarium judicamus atque ob zelum quem erga Christia[nam] religionem et publicam tranquillitatem [ger]imus, in eo juvando, fovendoque nulli Christiano [princ]ipi cedemus, nec nos quicquam omitemus [qu]od cum Deo publicoque omnium bono [fieri] posse putaverimus.

Unum certe est, Beatissime pater, quod maxime necessarium, [inpr]imis curandum existimamus, viz. ut is locus de quo principe principum consensu statuatur [omni]bus ad conveniendum, nullo discrimine [tutus] commodusque re verâ extiterit; alioquin [multi multorum bene]sentientium labores, consilia, vigiliæque nullo cum fructu periclit[abuntur]. Reliqua fol. 136. vestræ Beatitudinis prudentiæ com[mittimus] cujus consilia rogamus Deum, ut præsentium calamitatum miseritis, semper rega[t] dispo[nat]que in melius. Sed super hiis ali[is]que rebus] cum ejusdem vestræ Sanctitatis apud nos nu[n]cio sumus] copiose colloquuti. Quod vero ad nostram in futuro Concilio præsentiam a[ttinet] eâ de re ita deliberabimus ut si minus corpore [adesse] præsentem, ita, exposcente rerum nostrarum statu, pos[simus], ejusmodi certe legatos nomine nostro [mittendos] curabimus qui vices nostras [obire] et supplere valeant et velint, [ut nihil] a nobis in eâ parte desideretur. Quod ut in [republicam] cedat Christianam, Deum semper [precabimur,] [utque præsentium] calamitatum miseritis vestræ [Sanctitatis consilia] regat disponatque in melius. Sed super hiis [aliisque cum ejusdem] Sanctitatis Vestræ apud nos nuncio sumus copiose co[lloquuti]¹⁸.

¹⁸ This letter was considerably altered before it was sent, as may be seen by a comparison with the preceding copy of it.

Number CCXLI.

Letter from the King to Bryan, Tayler, and Foxe, written in March, 1531, directing them to watch the proceedings as regards a possible interview of the French King and the Emperor.

Addit.
MSS.
25, 114,
fol. 49.

TRUSTY and right well-beloved, we greet you well. And whereas being advertised by your last letters of the removing and departing of our dearest brother, the French king, from the queen's company, to take his pleasure in hunting along the borders and frontiers of Hainault, we, for answer to your said letters, addressed our letters unto you, which we sent by a servant of you Sir Frauncis Bryan, signifying unto you by the same our pleasure was that ye Sir Frauncis Bryan should in any wise follow the French king's person in the said venery, and ye the Master of our Rolles, and ye Mr. Almoner, might lie now alofe and abide in the place where the said queen should be left, unto the return of the said French king, which we doubt not ye have.

Now having divers matters of importance to be declared to our said dearest brother and his counsel by you, wherein is knowledge of the Latin tongue, which wanteth in you Sir Frauncis;

We therefore will and require, and you our Almoner, because ye be younger than the Master of the Rolles and may take more pains, do join yourself with Sir Frauncis for expedition of this charge. In the doing whereof requireth both dexterity and diligence, whereof neither wanteth not in you; and therefore we require you to do and say as we shall by these our letters instruct you accordingly.

First, ye remember we doubt of the practices in Almayn set forth by our dearest brother and us with the Duke of Saxony, the lansgrave of Hesse, and other princes of Germany, for which purpose our good brother sent unto them, as he said unto us, one Gervasius, and we for our part our

servant William Paget, one of the clerks of our signet. And ye shall understand how from the said duke and other princes of Germany is arrived with us one specially sent with instructions concerning that matter; the copy of which instructions fol. 50. we send unto you herewith to the intent ye conceive with yourself and understand the contents of the same, and also what we specially note and mark therein. There was presented unto us with the said instructions the copy of a confederation made and passed in Germany between the said duke and other princes therein rehearsed, the copy whereof ye shall also receive herewith.

Over and besides the instructions and confederation aforesaid there was delivered unto us the copy of certain articles to be treated in a Diet appointed to [be] kept in Lubek the first day of January; the copy of which articles we also presently send unto you. Finally, the personage sent from the said princes delivered us letters from the Duke of Saxe in favour of the Duke of Wittenbrege, and letters of the same duke with a declaration of his whole cause for restitution to his duchy; the copies of which matters concerning the said Duke of Wittenberge, for that they be particular and else known to the world, we send not unto you.

And forasmuch as, following our accustomed manner, we think expedient ye communicate this matter to our dearest brother the French king, and specially for that it toucheth us both, as ye shall perceive by tenor of the same, our pleasure is ye first note and consider what we principally mark in the said instructions, the confederation passed, and the other articles to be treated at Lubek.

First, in the instructions.

We note principally how the said princes, having made this confederation, put our good brother and us as the ground of their convention and agreement to such purpose, and requiring of us money to be deposed in some place to such use, do in manner therein demand the fulfilling of a promise, supposing such promise of help to have passed us by our agents sent unto them. Which we for our part never did, as our in- fol. 51. structions given to our said servant Pachet do purport, and also as the same our servant certifying us of his own act doth affirm.

We note also in the instructions how the said princes, desiring of us this aid, do offer unto us no reciproque equivalence, as is accustomed amongst princes, but only that they will permit us to gather and conduct soulgurs in the countries at our expenses and charges, which is nothing.

In the confederation, we consider the couching of it in such honorable terms with trust of the emperor's equity and confidence in his glory for execution of justice, and how, finally, it implieth only defence against such violence as should be inferred for maintenance of the pretended election, and so is only defensive and not offensive. So as the emperor, not offending them therein, ne speaking of the election any more, may take his time and commodity with other as he shall think for any other thing, this confederation being no let or stop unto him in that behalf.

fol. 52. In disclosing of this matter to our good brother, we will ye use yourself after this sort:—First, to shew unto him how upon Wednesday last past, arrived the personage sent from the said princes and delivered us the parcels aforesaid, with letters of credence. Whereupon, having only in few words the effect of that declared by mouth, which is contained in the said instructions, we, without giving any answer unto the same, sent first for our good brother's ambassador, Monsieur de Vault, unto whom we did communicate and deliver all that was presented unto us, concluding to cause the same by you to be presented to our good brother to know his mind, advise, and opinion in the same. With whose mutual consent, we intend to form and shape our answer accordingly, which we abide. Unto which our good brother ye shall say, as the personage arrived with us affirmeth, there is like letters of credence, and instructions and copy of confederation, with the other like charge sent or this time from the said duke and princes of Germany to our said good brother. The truth whereof our pleasure is ye enquire diligently, and also by good dexterity and fashion, ensearch and seal by occasion of communication: First, whether there passed from the said French king any instructions or commandments to his agents concerning the said princes of Germany, whereupon should have been made such overture as they might now take our good brother for the ground of their confederation, or conceive

such certain assurance of his aid; and, finally, our pleasure is ye precisely ask and demand the question what hath been said on his part and how far, considering it is a material point in making answer to this charge. What we have done we know, and know well we yet never entered so far in promise by ourself, or by our agent, as he well avoweth, as they might bind us by the same to any such certainty as of help in money as is contained in the said instructions. Nevertheless, forasmuch as our good brother and we have jointly spoken and sent our agents to the said princes: we think it therefore necessary our answer proceed of the mutual consent of us both. And therefore ye may say—We most heartily desire our good brother to advertise us of his mind and opinion concerning the said answer with all diligence possible; for else, the time being so short, as ye may perceive it is, a delay of time should be a more displeasing denial in effect than were any other to be given with speed in word, if we should be minded so to do.

Ye shall also shew our good brother how, intending to make him participant of all our affairs, we have commanded fol. 53. you to shew unto him of the arrival here of John de la Shawe from the emperor; whose charge is only for the entreating and debating of certain matters concerning the intercourse of our merchants, as we have also shewed to Monsieur de Vaulx.

Furthermore, ye shall shew unto our good brother, on our behalf, of the arrival here with us this day of a countie, and with him the Duke of Cleves' chancellor, sent from the said duke to make suit unto us for alliance and marriage, and to move and labor us for the marriage of our dearest daughter, the princess, with the said duke's son and heir. We have yet only heard the generality of his desire, without further communication. Which, nevertheless, we have declared to the said Monsieur de Vaulx, and have, ye may say, signified the same unto you, to be by your mouth shewed and declared unto our said good brother. And thus we have instructed you of your whole charge to be declared to our good brother.

And, to be kept to yourself, we know well ye consider how desirous we be to understand the news of that court from time to time. And that when ye be without fault or blame, yet our desire is, nevertheless, trusting therefore ye will rather

be too diligent therein, than to omit any opportunity in that behalf. And albeit our pleasure is not ye should by overmuch inquisition give cause of suspicion; yet we are of the mind that with a temperance and moderation, with a dexterity also to attain knowledge, the truth should be enquired and searched for, and the appearances and likelihoods to be noted, for confirmation of the same.

fol. 54.

We have been advertised out of Flaunders, from our ambassadors, how the meeting between the emperor and the French king is not all extincte in all men's mouths, but that some speak of it, and some say preparation is making therefore in Cambray, and some say the emperor goeth to Turney for such purpose. As for our mind and opinion, we take the honor of our good brother the French king for so sure a foundation that we build thereupon in our heart a most certain persuasion, and certainly think no such meeting to be intended as they have written unto us. Wherefore, as it is displeasing unto us to hear suspicion told or whispered that should sound to the contrary, so should it be pleasant and acceptable unto us to hear from you, evermore as ye have opportunity to write, to hear the likelihoods, which be sure ye see there conformably to the words of no meeting. Wherein we desire you to shew your accustomed diligence, and not to think your demores there too tedious, which we be minded to relieve within these few days. And incontinently upon arrival of our post from Rome, whom we have looked for these six days passed, and marvel greatly he cometh not, our pleasure is that ye, our Almoner, after notice from us thereof, taking your leave there, shall repair unto us. And ye, Sir Frauncis Brian, in like manner to return at such time as our good brother the French king shall return from the parties near adjoining the emperor's countries; and that thereby it shall be certain no such meeting to take effect.

Endorsed—

Letters to Mr. Bryan, unto Fraunce, by Mr. Benet.

Number CCXLII.

Holograph letter from Augustin de Augustinis to the Duke of Norfolk, from Ghent, alluding to the Death of Wolsey, June 3, 1531.

HUMILLIMA commendatione præmissâ, etc.

Galba,
B. x. fol. 8.

Usque nunc distuli Excellentiae vestrae scribere, quia adhuc nescieba[m] si superiores meae illi gratæ extitissent, et quales etiam istæ futuræ sint haud satis scio.

Antequam Cæsar huc adventâsset, conveni primarios suæ Majestatis consiliarios, viz. Dominum de G[ranvellâ], commandatarium majorem Legionis, archiepiscopum Barensem, tum primum podagrâ cubantem, et commandatarium majorem Calatraviæ; sed præcipue et frequentius Dominum de Granvellâ¹⁹, nempe intelligo negocia illius regni demandata esse: qui, cum ei antea satis notus essem quoque sermone, mihi dixit, quam verus vates fui; protinus enim quam audiui Reverendissimum tuum Eboracensem tragœdiam divortii inchoasse, plurimis prædixi hanc tandem suæ perditionis causam futuram; testis mihi Rex Christianissimus, apud quem tunc agebam oratorem, et serenissima mater sua et complur[es] Francorum procures. Ego, ut mihi visum fuit, opportune respondi; similiter ei petenti [an] veneno sublatus fuisset, respondi nequaquam, sed tremore cordis et atrâ bili, fors[an] dolore animi jampridem contracto. Demum ex me quædam proposui, singulatim rec[itans] commoda et incommoda istorum duorum principum: inter quos summopere cupiebam, ob universum bonum totius reipublicæ Christianæ, perpetuo pacem et concordiam duraturam. Post m[ulta] utrinque dicta, mihi respondit se nihil velle tunc mihi respondere nisi prius omnia [suæ] Majestati referret (quemadmodum informatum sum eos in omnibus negociis ita facere) [putans] quod alienum non esset si ego etiam alloquerer suam Majestatem. Hæc audiens mecum non parum lætatus sum, . . .

¹⁹ *cui* appears to have been omitted by accident.

in Cæsare omnem plenitudinem potestatis consistere, verum non multum institi, præferre negotium non multum me sollicitum habere.

Cæterum post triduum ultimo Aprilis hor[â octavâ] ante missam, multiplicatis nunciis, ad Cæsarem accersor: cujus cum Majestate in suo secr[eto cubi]culo integram horam collocutus sum: quantum vero literis mandari possit, summa hæc est [eorum quæ] repetis: quæ antea dixeram Domino de Granvellâ.

Sua Majestas ad hunc ferme mod[um mihi] benignissime respondit,—Nos certe cognoscimus nos non parum debere illi Serenissimo Reg[i, avun]culo nostro, semperque affectavimus et affectamus amiciciam et fœdus cum suâ Majestate, qu[æ] perpe[tuo] durabit; et nos semper inveniet bonum affinem et vicinum si sua Majestas (quem[admodum] aliter non possumus existimare) viâ justiciæ in hâc causâ processerit: quod [si aliter] procedet (quod nunquam in animum nostrum inducere possumus) cognoscet sua Majestas q[uan]tum debemus sanguini Hispaniarum cujus hæredes sumus. Ego vero satis plene, cu[m nihil] commissionis haberem, sed omnia ex me (si bene, aut male excellentiæ vestræ sit judicium) sup . . . insteti, primo scilicet maximis meritis serenissimi Regis Angliæ in suam Majestatem et eo usque ut tem[perate], sed sane libere, meo more processi ut dixerim, sicuti sæpius acceperam a Reverendissimo [domino] meo, quod imperialis Majestas vestra nunc pacatas teneat Hispanias, debet forsitan serenissimo Regi [Angliæ]. Secundo, quod, ubi lites incipiunt, ibi dirimi debent, cum ob majorem cognitionem partium, tum ex[emplo] pluri[um] regum et concessionum multorum Pontificum quæ brevitatis causâ explicare nolui. [Tertio de] lento commercio harum regionum, de tranquillitate totius orbis Christiani, de propulsat[i]one Turcæ a cervicibus Imperii, de extirpatione hæresis Lutheranæ ex Germaniâ, ubi pax et vera concordia fuerit inter suam Majestatem et potentissimum Regem Angliæ; e contra omnia diversa si (quod Deus avertat) bellum aut discordia suboriretur. Finis tandem sermonis fuit ut frequentarem Dominum de Granvellâ. Quod si graviora occurrerent, ad se reverterer, et sic discessi.

Postea jussus sum astare suæ Majestati prandenti; quod ferme quotidie facio. Unum omiseram quod cum sua Ma-

jestas me interrogaret de hæresi Lutheranâ in illo regno, dixi ex his partibus venire homines et libros in Angliam ac inde postea huc confugere, qui multos illic inficiunt; verum providentiâ et diligentâ illius Serenissimi Regis complures puniri, plurimos doctrinâ et hortatu Majestatis suæ ad sanam mentem redire, et quod paulo antequam ego ex Angliâ discederem, noveram illam, neglectâ prorsus corporis sui curâ, ab horâ nonâ matutinâ usque ad septimam vespertinam cum primoribus episcopis insudâsse in examinando quodam hæretico. Quod cum audiret sua Majestas, fixis luminibus me aliquamdiu tacita contuita est, quod quidem in suâ Majestate pro admirationis signo omnium sententiâ notatur. Ex his ergo ac aliis quibusdam (quantum scribere licet) conjicio Cæsarem ab æquitate non abhorreere, si modus contractandi afforet. Post aliquot dies, Dominus de Prata ex Galliâ rediit, ob veterem istic familiaritatem satis mihi notus; quocum primum habitis quibusdam sermonibus de f. r. hero meo: quem vix credi potest quanto odio prosequeretur et adhuc mortuum prosequitur; causas hujus vatiniani odii nunc explicare supervacaneum esset, cum is et magnæ hic auctoritatis sit et in rebus vestris satis expertus; aliquam practicam incepti meo Marte, sed quam fidem et quod pondus habere possint verba mea cum omnibus istis consiliariis vos ipsi considerate. Per me non stabit unquam omni studio et labore usque ad sanguinem, illius Serenissimi Regis honorem amplificare; ac quantum in me erit semper commodum illius inclyti regni procurare. Et si factis non potero, saltem verbis. Nec ab hoc animo desistam, nisi prius cognovero, id vobis ingratum esse. Longe me prudentiores multos haud dubie habetis, et invenire potestis; fideliores et nationis vestræ amantiores nescio. Hoc etiam non prætereundum censeo.

Cæsaris et omnium suorum Consiliariorum unanimis est opinio, si aliqua compositio et concordia hæc in re inveniri potest, solum id medio Excellentiae vestræ provenire posse existimant; tantum apud eos omnes innotuit nobilitas, integritas et prudentia ejus. Nec putet Excellentia vestra hoc me auribus suis dare; adulari nec scio, nec volo, et si adulari voluissem, forsitan hic non essem. Quinimmo, ut plura dicam Excellentiae vestræ, jam amplius mensem in hæc curiâ constans increbuerat fama (autorem et famæ occasionem scio, et

miror certe quod tam occulta istinc huc deferrantur, sed literis scribere non est tutum) non dico solum inter mediocres, sed etiam inter gravissimos, qui hanc rem multum ponderabant, Excellentiam vestram scilicet ob quandam altercationem iurgiosam inter etc. indignatam, dereliquisse curiam, et ivisse ad Ducatum suum Northfolciae; cumque ego, a quibusdam purpuratis, de hâc re non parum gestientibus, et ob hanc et similem causam, omnino putantibus regimen præsens in illo regno non diu duraturum, percontatus fuisset, respondi me nullam hujus rei notitiam habere, nec talem rem omnino existimare; verum [me] potius putare Excellentiam vestram ob privata sua negocia ivisse in Northfolciam, qua[m per] integrum biennium non inviserat; quemadmodum cum ego isthic essem, intellex[eram] eam, etiam ante nativitatem Domini transactam, iter suum illuc adornâsse, et p[otius] per negocia publica iter suum aggredi non potuisse; nunc vero defervescentibus publicis negociis, iter destinatum perfecisse: similique responso, quod verum [esset] præmonui, et instruxi hunc vestrum oratorem.

De rebus meis, quia satis abunde [in literis] superioribus meis ad Excellentiam vestram scripsi, et ne majore prolixitate, ei sim fastidio, hæc pauca dix[erim].

Humillime prostratus supplico Excellentiae vestrae ut apud illam Serenissimam et clementissimam Majestatem pro me intercedere d[ignetur] ut pro exuberantiâ gratiae, et liberalitatis suae, velit misericordes oculos suos jam tand[em in] me miserum convertere, et aliquam rationem habere egestatis meae, ut quoquo modo [præte]riti damni aliqua mihi fiat compensatio, prout benignitati suae, et prudentiae Ex[cellentiae vestrae] conveniens videbitur, ut si non opere aliquo juvare, saltem animo et precibus De[um opt.] max., in cujus manu sunt corda regum, assidue rogare possim ut suam Majestatem semper [inco]lumem pacificam servet, et sui honestissimi voti compotem reddere dignetur; necnon Excellentiae [vestrae] felicem statum conservet, ac eam surgentium suorum liberorum spe defraudari non permittat [sed ut] grandævus eos tales videre possit, quales ipsa maxime desyderat. De rebus etiam cum M. Constabile humillime eam rogatam velim, ut pergat quemadmodum hucusque fecit, [semper] favere justitiae et subvenire oppressis; alioquin, et vix, quid mihi

sperandum de h non plane video, nec equidem aliam ob rationem auxilium pro justitiâ ab Excellentîâ vestrâ implo[ro], nisi ut debita mea, istic in honesto servitio meo contracta, jam tandem solvantur.

Qu[um nihil] autem in his negociis mihi obvenerit emolumenti, totum id secundum Deum et Majestatem illam . . . referram Excellentîæ vestræ quam vehementissime obsecro ut me in numero suorum habere [dignetur]; quod vel ipsâ renuente, ita esse ex me mihi persuasum esse volo, nescio (ita me De[us juvet]) aut meo quodam in tam naturali instinctu, aut ob suas cum animi, et corporis si[ngulares] et egregias dotes; utcunque amorem et servitutem meam non male positam puto; nec ali[eni] cujusquam heri servitium subibo nisi prius, ut justum est, id significavero Excellentîæ vestræ ac al bonam veniam obtinuero; cujus manus iterum prostratus humillime deosculor.

Datæ Gantiæ 3 Junii M.D.XXXI. De reliquis communicabit Excellentîæ vestræ M. Cromw[ellus].

Reverendissimus Campegius posteaquam ex morbo suo articulari convaluit, bis allocutus est istam Majestatem et hoc long colloquium cum eâ habitum, et mihi, petenti si aliquid tentâset in causâ istâ cum hâc Majestate, respondit [esse] animum suæ Majestatis totum dispositum ad justitiam. Hoc etiam fuit post privationem protectionis; quam [ægre] tulit, dixitque querelam de suo substituto etc. aut colorem esse aut a Casaliorum suggestu ortum [esse]; utcunque tamen illius Serenissimæ Majestatis se futurum observantissimum et fidelissimum servitorem, nec dubito [eum ad] majorem fidem confirmandam id totum manifestâsse.

De Reverendissimo Cardinale Leodiensi, certus sum vid tem exemplar literarum responsivarum ad illam Serenissimam Majestatem quas per oratorem vestrum istuc transmisit.

Ejusdem Excellentîæ Vestræ

servitor humillimus

AUGUSTINUS DE AUG^{is}.

Illustrissimo ac Excellentissimo Duci Northfolciæ Domino, Domino meo semper observandissimo.

Number CCXLIII.

*Holograph letter of Cranmer to Lord Wiltshire, containing
an account of Pole's book; written June 13, 1531.*

*To the Right Honourable, and my singular good Lord,
my Lord of Wiltshire.*

Lansdowne
MS. 115.
fol. 1.

IT may please your lordship to be advertised, that the king his grace, my lady your wife, my lady Anne your daughter, be in good health, whereof thanks be to God.

As concerning the king his cause, master Raynolde Poole hath written a book much contrary to the king his purpose, with such wit, that it appeareth that he might be for his wisdom of the council to the king his grace; and of such eloquence, that if it were set forth and known to the common people, I suppose it were not possible to persuade them to the contrary. The principal intent whereof is, that the king his grace should be content to commit his great cause to the judgment of the Pope: wherein meseemeth he lacketh much judgment. But he suadeth that with such goodly eloquence, both of words and sentence, that he were like to persuade many: but me he persuadeth in that point nothing at all. But in many other things he satisfieth me very well. The sum whereof I shall shortly rehearse.

First, he sheweth the cause wherefore he had never pleasure to intromit himself in this cause, and that was the trouble which was like to ensue to this realm thereof by diversity of titles; whereof what hurt might come, we have had example in our fathers' days by the titles of Lancaster and York. And whereas God hath given many noble gifts unto the king his grace, as well of body and mind, as also of fortune; yet this exceedeth all other, that in him all titles do meet and come together, and this realm is restored to tranquillity and peace: so oweth he to provide, that this land fall not again to the foresaid misery and trouble; which may come as well by the

people within this realm, (which think surely that they have an heir lawful already, with whom they all be well content, and would be sorry to have any other, and it would be hard to persuade them to take any other, leaving her,) as also by the emperor, which is a man of so great power, the queen being his aunt, the princess his niece, whom he so much doth and ever hath favoured.

And where he heard reasons for the king his party, that he was moved of God his law, which doth straitly forbid, and that with many great threats, that no man shall marry his brother his wife: and as for the people, that longeth not to their judgment, and yet it is to be thought that they will be content, when they shall know that the ancient doctors of the church, and the determinations of so many great universities be of the king his sentence: and as concerning the emperor, if he be so unrightful that he will maintain an unjust cause, yet God will never fail them that stand upon his party, and for any thing will not transgress his commandments: and beside that, we shall not lack the aid of the French king, which partly for the league which he hath made with us, and partly for the displeasure and old grudge which he beareth toward the emperor, would be glad to have occasion to be avenged: these reasons he bringeth for the king's party against his own opinion.

To which he maketh answer in this manner. First, as touching the law of God, he thinketh that if the king were pleased to take the contrary part, he might as well justify that, and have as good ground of the scripture therefore, as for that part which he now taketh. And yet if he thought the king's party never so just, and that this his marriage were undoubtedly against God's pleasure, then he could not deny but it should be well done for the king to refuse this marriage, and to take another wife: but that he should be a doer therein, and a setter forward thereof, he could never find in his heart. And yet he granteth that he hath no good reason therefore, but only affection which he beareth and of duty oweth unto the king's person. For in so doing he should not only wayke, yea and utterly take away the princess' title, but also he must needs accuse the most and chief part of all the king his life hitherto, which hath been so infortunate

to live more than twenty years in a matrimony so shameful, so abominable, so bestial and against nature, (if it be so as the books which do defend the king's party do say,) that the abomination thereof is naturally written and graven in every man's heart, so that none excusation can be made by ignorance; and thus to accuse the noble nature of the king's grace, and to take away the title of his succession, he could never find in his heart, were [the] king's cause never so good; which he doth knowledge to be only affection.

Now as concerning the people, he thinketh not possible to satisfy them by learning or preaching; but as they now do begin to hate priests, this shall make them rather to hate much more both learned men and also the name of learning, and bring them in abomination of every man. For what loving men toward their prince would gladly hear, that either their prince should be so unfortunate, to live so many years in matrimony so abominable; or that they should be taken and counted so bestial, to approve and take for lawful, and that so many years, a matrimony so unlawful and so much against nature, that every man in his heart naturally doth abhor it? and, that is more, when they hear this matrimony dispraised and spoken against, neither by their own minds, nor by reasons that be made against this matrimony, can they be persuaded to grudge against the matrimony; but for any thing they do grudge against the divorce, wherein the people should shew themselves no men but beasts. And that the people should be persuaded hereto, he cannot think it.

And as for the authority of the universities, he thinketh and sayeth that many times they be led by affections, which is well known to every man, and wisheth that they never did err in their determinations. Then he sheweth with how great difficulty the universities were brought to the king's party. And moreover against the authority of the universities he setteth the authority of the king's grace[']s father and his council, the queen's father and his council, and the Pope and his council.

Then he cometh again to the Pope, and the emperor, and French king. And first the Pope, how much he is adversary unto the king's purpose, he hath shewed divers tokens already, and not without a cause: for if he should consent to

the king's purpose, he must needs do against his predecessors, and also restrain his own power more than it hath been in time past, which rather he would be glad to extend; and moreover he should set great sedition in many realms, as in Portugal, of which king the emperor hath married one sister, and the duke of Savoy the other²⁰. Then he extolleth the power of the emperor, and diminish[eth] the aid of the French king toward us, saying, that the emperor, without drawing of any sword, but only by forbidding the course of merchandise into Flanders and Spain, may put this realm into great damage and ruin. And what if he will thereto draw his sword, wherein is so much power, which, being of much less power than he is now, subdued the Pope and the French king? And as for the Frenchmen, [they] never used to keep league with us but for their own advantage, and we can never find in our hearts to trust them. And yet if now contrary to their old nature they keep their league, yet our nation shall think themselves in miserable condition, if they shall be compelled to trust upon their aid, which always have been our mortal enemies, and never we loved them, nor they us. And if the Frenchmen have any suspicion that this new matrimony shall not continue, then we shall have no succour of them, but upon such conditions as shall be intolerable to this realm. And if they, following their old nature and custom, then do break league with us, then we shall look for none other, but that Englonde shall be a prey between the emperor and them. After all this he cometh to the point to save the king's honour, saying, that the king standeth even upon the brink of the water, and yet he may save all his honour; but if he put forth his foot but one step forward, all his honour is drowned. And the means which he hath devised to save the king's honour is this.

The rest of this matter I must leave to shew your lordship by mouth when I speak with you, which I purpose, God willing, shall be to-morrow, if the king's grace let me not. Now the bearer maketh such haste that I can write no more, but

²⁰ Charles III duke of Savoy was married to the emperor in married in 1520 Beatrix younger 1526. The present king of Portugal was their brother John Emanuel king of Portugal, who III.

that I hear no word from my benefice, nor master Russel's servant is not yet returned again, whereof I do not a little marvel. The king and my lady Anne rode yesterday to Wyndsower, and this night they be looked for again at Hampton Court: God be their guide, and preserve your lordship to his most pleasure.

From Hampton Court this 13 day of June.

Your most humble beadman,

THOMAS CRANMER²¹.

²¹ This letter has been printed and in Strype's Cranmer, Appendix, No. I.
in the editions of Cranmer's works,

Number CCXLIV.

The determination of the University of Orleans that the King is not bound to appear in a Court held out of his dominions, either in person or by proxy.

IN Collegio doctorum legentium in jure civili et Pontificio, ^{Record Office.}
in antiquâ studiorum parente Academiâ Aurelianensi propositæ
sunt quæstiones hujusmodi; videlicet,

An summus Pontifex possit ullo modo citare Serenissimum Regem Angliæ, ut extra Regnum suum Romæ compareat coram eo, ibidem responsurus et judicium accepturus super validitate aut invaliditate matrimonii sui?

Deinde,

An subditus dicti Serenissimi Regis citati die Regi assignatâ debeat admitti sine ullo mandato et sine ullâ omnino satisfactione aut aliâ quâcumque cautione interpositâ ad proponendum et allegandum causas absentiae ad effectum excusandi dictum Serenissimum Regem suum a comparitione in eo casu?

Super quibus in Collegio nostro inter nos habitâ diligenti ac maturâ discussione et rationum pondere in utramque partem appenso, prout in libello quodam a nobis super hoc composito latius ac planius constat, in unam tandem eandemque sententiam convenientes sic conclusimus; videlicet,

Serenissimum Regem Angliæ, relicto Regno et administratione illius atque cum inevitabili discrimine et periculo tum reipublicæ tum subditorum suorum tum etiam sui ipsius, nullo pacto posse compelli, vel ut ipse Romæ personaliter compareat, vel ut tam arduam litem et controversiam, in quâ agitur de periculo animæ et vinculo indissolubili, si contra eum judicaretur et in quâ partes per se examinandæ sunt, procuratori ulli committat in tam remotis regionibus, cum etiam tali prætextu facultas probationum et testium examinandorum tolleretur, sed oportere eum quicumque cupit dictum Serenissimum Regem judicium subire in prædicto casu matrimoniali

efficere ut iudices delegentur in partibus qui cognoscant super eodem, quod in similibus casibus antea est observatum.

Quantum autem ad allegationes causarum absentiae per subditum propositas spectat,

Jure expeditum est non tantum subditum Regis, verum etiam quemlibet alium extraneum sine mandato admittendum ad proponendas eas et deducendas, tanquam Regis excusatorem sive defensorem, nullâ omnino praestitâ satisfactione aut cautione, cum jura talem defensorem seu excusatorem ad ullam satisfactionem non compellunt; et proinde citationem hujusmodi et omnem alium processum propter absentiam dicti Serenissimi Regis contra eum factum nullum et invalidum esse, et citra omnem juris et æquitatis rationem.

Quas omnes et singulas conclusiones nostras prædictas veras et de jure esse, summamque in se habere et rationem et justiciam, in libello nostro prædicto quem super his quaestionibus divulgavimus legum civilium et canonicarum auctoritate atque doctissimorum et probatissimorum juris interpretum judicio et scriptis nixi comprobavimus.

In cujus rei fidem et testimonium huic instrumento uniuscujusque nostrum manu subscripto sigillum commune Collegii nostri apponi fecimus.

Datum in Collegio nostro Aurelianensi. Anno Domini millesimo quingentesimo trigesimo primo, mensis Junii die vigesima secundâ.

TOULLER.	Q. MESDAN.
BRUNEART.	MOREAU.
PELESTOILLEN.	ROBERT.
STEXIER.	BOARD.
L. MYMER.	

Endorsed—

Defensio Collegii Universitatis Aurelianensis
super excusatione Regis a comparitione²².

²² This document is in a most Rymer with only four mistakes, mutilated condition, and crumbles except that the first four names were at every touch. It was printed by arranged as if they were only two.

Number CCXLV.

The King's letter to the Pope, requesting the promotion of Edward Lee to the Archbishopric of York; written in Vannes' hand, September 12, 1531.

SANCTISSIMO Clementissimoque Domino nostro Papæ. Vatican Transcripts and Theiner, p. 598.

Beatissime pater, post humillimam commendationem, ac devotissima pedum oscula beatorum. Mature nobiscum deliberavimus, ut Archiepiscopatûs Eboracensis, qui per obitum Reverendissimi domini Cardinalis Eboracensis in hoc nostro Regno diu vacat, quieti ac solatio prospiceremus, et eum virum præficiendum (est enim una ex primariis Regni nostri sedes) Vestræ Sanctitati commendaremus, qui eam dignitatem suâ virtute, eruditione ac honestate decenter sustinere, suisque actionibus dicto Archiepiscopatui ornamento, cæterisque omnibus usui et quieti esse posset: tandemque in memoriam nobis succurrit venerabilis vir Dominus Eduardus Leus, sacrarum litterarum professor ac Eleemosinarius noster, vir certe judicio nostro summâ eruditione insignis, suâque probitate, prudentiâ, circumspectione, morumque integritate, et egregiâ in nos fide nobis cumprimis charus. Vestram igitur Beatitudinem impense rogamus, ut præfatum Eleemosinarium nostrum ad hunc Archiepiscopatum promovere velit, Archiepiscopumque et pastorem illic suâ auctoritate constituere. Præterea quum in bullarum expeditione cæterisque hic ex more conficiendis sint ingentes sumptus sustinendi (gravissimo quidem huius Archiepiscopatûs detrimento, nisi Vestrae Sanctitatis benignitas adfuerit), eam precamur, ut in annatâ persolvendâ dignetur dicti Archiepiscopatûs sedulæque hujus nostræ intercessionis benignam rationem habere, facilemque ac benevolam, ut nostro intuitu semper antea consuevit, in totius negotii expeditione se præbere, quod nobis gratissimum extabit, et hujus Archiepiscopatûs indempnitati quam maxime consulet. Et felicis-

sime ac diutissime valeat Sanctitas Vestra. Ex Regiâ nostrâ
de Hamptell die 12 Septembris M.D.XXXI.

Ejusdem Sanctitatis Vestræ

Devotissimus atque obsequentissimus filius Dei gratiâ
Rex Angliæ et Franciæ, fidei defensor ac Domi-
nus Hiberniæ.

HENRICUS²³.

²³ This document appears in Theiner's Monumenta, p. 598, with several errors which have been cor-
rected from the transcript in the Museum.

Number CCXLVI.

Original despatch from Bryan and Foxe, written at Compeigne September 22, 1531, stating their conviction that little is to be hoped for at the Pope's hand.

PLEASETH it your highness to be advertised that I, Addit.
Edward Foxe, after much difficulty and trouble in passing MSS.
the seas at Dover, and no less pain in getting of horses upon ^{25, 114,} fol. 90.
the land, as well at Boloigne, at all other places of Pycardy,
and specially on this side Amyans, being all the posts turned
daily from town to town out of the way to Parrys by the reason
of the king's journey now in this his pilgrimage, arrived here
at Compeigne the 18th day of this present, very late in the
night. And the same night sent my servant unto Master
Bryan advertising the same of my coming. And forasmuch
as I, Frauncis Bryan, was then at Parrys, being sent thither
by the Frenche king with the cardinal of Gramount, for the
expedition of your highness' payment, which I have now pro-
cured, and caused the greatest part thereof to be depeched
from thence, with assurance for the rest to be paid in October
next, without fail, which at this present time by no means I
could obtain, like as I shall further hereafter advertise your
highness thereof, most humbly beseeching you no default may
be imputed to Monsieur de Vaux therefore, I repaired to Com-
peigne the 20th day. And so we conferring all the next day
the effect of our charges, and riping ourselves well therein,
this 22th day we addressed ourselves to the court, where what
answer we shall have unto your highness' requests we shall
not fail to advertise your highness with all diligence possible.

The mean time it may like you to understand that yester-
day I, Frauncis Bryan, received a paquet of letters from
Pachet, which ye shall receive herewith. And this last night
arrived here at Compeigne this bearer with letters unto us fol. 90 b.
from Doctor Benett, whereby we conceive that little favour is
to be looked for at the Pope's hands in your highness' cause,

which we shall not fail to set forth with the French king, and his Council here.

And the same night also I, Frauncis Bryan, had secret advertisement from a friend of mine in the court that this day shall come unto the French king a gentleman of the emperor's privy chamber to appoint an interview between the French Queen and the Queen of Hungary; and that the said interview shall be made within these eight days, of the certainty whereof we doubt not but this day or soon after we shall have perfect knowledge. And so shall advertise your highness with diligence. And thus, having no other thing worthy advertisement, we beseech Almighty God to preserve your highness in power and send you your heart's desire.

At Compeigne, the 22th day of September.

Your highness' most humble
subjects and servants,

FRANSSYS BRYAN.

EDWARDE FOXE.

To the King's Highness.

Number CCXLVII.

Letter from the King to Clement, recalling Benet; written in Vannes' hand, November 4, 1531.

SANCTISSIMO Clementissimoque Domino nostro Papæ. Vatican Transcripts and Theiner, p. 598.

Beatissime pater, post humillimam Commendationem, et devotissima pedum oscula beatorum. Quum complures Domini Willelmi Benet, nostri apud Sanctitatem Vestram oratoris plurimum dilecti, amici atque affines nuper ipsius nomine a nobis instantissime petierint, ut privatorum quorundam suorum negociorum gratiâ, bonâ nostrâ cum veniâ, ad breve aliquod tempus ad nos illi redire liceat, confidentesque nos partim in aliorum istic oratorum nostrorum fide, prudentiâ et industriâ, partim vero in Sanctitatis Vestræ bonitate, neutiquam futurum, ut ex illius absentîâ rebus nostris præjudicetur, non gravatim ob amorem, quo præfatum oratorem nostrum prosequimur, huic ejus desiderio et petitioni adnuimus. Proinde Sanctitatem Vestram rogamus, ut petenti illi velit bonam ad nos redeundi veniam concedere, et ea de causâ nostrâ nobis referenda committere, quæ justissimæ expectationi nostræ et antiquæ Sanctitatis Vestræ in nos benignitati (de quâ in summâ etiam desperatione adhuc sperare volumus) potissimum respondeant. Et felicissime ipsa valeat.

Ex Regiâ nostrâ Grenwici die 4 Novembris M.D.XXXI.

Ejusdem Vestræ Sanctitatis

Devotissimus atque obsequentissimus filius Dei gratiâ
Rex Angliæ et Franciæ, fidei defensor ac Dominus
Hiberniæ.

HENRICUS.

Number CCXLVIII.

*The Pope's reply to the preceding letter ; written
November 19, 1531.*

*Charissimo in Christo filio nostro, Henrico Regi
Angliæ Illustri.*

CLEMENS PP. VII.

Theiner's
Mon. Vet.
mxxix.
p. 598.

CHARISSIME in Christo fili noster, salutem etc.

Reddidit nobis litteras Serenitatis tuæ dilectus filius Willelmus Benet, Orator apud nos tuus, et juxta illarum sensum conformitatemque postea locutus, veniam redeundi ad Serenitatem tuam pro suorum affinium urgentissimis negociis a nobis postulavit. Quæ postulatio etsi pia et laudabilis, tamen nobis non potuit non evenire molesta, ipsum Willelmum ita amantibus, ut eum vel brevi hoc tempore a nobis abduci ægre feramus. Quod enim eum semper perspeximus virtute et prudentiâ fideque erga te singulari esse ornatum, tuasque res pro debito fidelitatis et muneris sui ferventissimâ semper curâ et amore peregis, propterea eum tuo quidem maxime, sed propter Serenitatem tuam etiam nostro amore dignum judicavimus, cum quales esse nostros alibi cupimus, tales apud nos esse tuos libenter videamus.

Quamobrem etsi alii duo Oratores tui apud nos remanebant, quorum eximia virtus et par erga te fides enitet, tamen ægrius ipso Willelmo caremus, quod tui Regni popularis, et istinc a te missus ad nos est. Sed quoniam illum affinium suorum necessitas, tuaque pietas revocat, et tuæ Serenitatis in id consensit voluntas, his rationibus ita cedemus, ut tuam Serenitatem, sicut nobis pollicetur, citius quam fieri possit, eum ad nos remittere cupiamus : minuetur enim nostra ex ejus revocatione molestia, quo brevior fuerit absentia.

Quod vero attinet ad tuæ Serenitatis causam, nos quæ cum ipso Willelmo multum locuti, ea illi, sicut optabas, tibi referenda mandavimus, quæ si æquabili animo, et semotis affecti-

bus a tuâ Serenitate accepta fuerint, nostram tibi voluntatem et gratificandi desiderium sint haud dubie probatura. Siquidem ea assidue cogitamus, et vigili curâ meditamur, per quæ tuam Serenitatem allevare hâc sollicitudine, in quâ etiam nos propter te sumus, et, salvâ justitiâ, solatio afficere possimus. Illud quidem nunquam non tibi præstabimus, quin voluntas nostra omnibus appareat plena amantissimi desiderii te quietum et tranquillum videndi, quantumque per Deum nobis liceat, tuæ Serenitati eam gratitudinem ostendendi, quam singularibus tuis erga Apostolicam sedem et nos meritis et beneficiis debemus.

Datum Romæ etc. die 19 Novembris MDXXXI. anno octavo.

Number CCXLIX.

*Instructions to Dr. E. Benet, alluding to the terms made
with the Cardinal of Ancona; dated Dec. 3, 1531.*

Addit.
MSS.
25, 114,
fol. 56.

fol. 57.

THE said master repairing to Rome, with all convenient diligence, shall, besides the special matter contained in these instructions, by all other ways and means that can be excogitated or devised, practise the delay and putting over of the process there, until such time as the emperor be passed into Spain. And with the c. An. the king's pleasure is, the said master shall shew unto him how his grace taketh it most kindly that the said²⁴ is so well minded to do him gratuity in this matter, and that the recompense thereof shall not only be procured with the French king, as hath been devised with brief effect to ensue, but also his highness, if any benefit ensue, will so further remember it with a princely reward, as he shall rejoice in his labour employed for the same. And this offer the king's highness maketh unto him, not to corrupt him, whose integrity, his grace knoweth well, neither would admit it, nor his highness' honour, most addicted to truth and justice, would be persuaded so to do; but only to animate and encourage him to defend and sustain the truth, and to let and empech such injury and wrong, as is enterprised against his highness, in this his grace's matter. And herein the said master Benet shall say, that, if the said cardinal could, by his policy, compass the court therein, in such wise as the same might be stayed from giving sentence, until such time as the emperor shall be passed into Spain, the king's highness would accept and take his doing in lieu of a great benefit. And if the said²⁴ may dissuade the disclosing of the resolution taken in the Rote, and first move that, for the discharge of them, judges, either those of the court, or other, repair to Avynion, as to a place indifferent, there to make process; wherein though they satisfy not all, yet they shall satisfy some that say it should so be; for that, in

²⁴ This blank is in the original.

private men's causes it hath so been observed *ubi est perhorrescencia*; and this should diminish a great piece of the slander. And if the cardinal shall make difficulty herein, for fear of disclosing himself to be for the king's part, so as in no wise he can stop the relation of the Rote, then the said master Benet shall devise with him for stopping and letting the process from giving of a sentence; wherein a chief and material point to be persuaded unto them of that court, that, though the king's highness be *contumax*, yet they must *removari processum eorum*: and so to bring to their remembrance the process made here in England by two cardinals, by virtue of a commission and legation from Rome. So as now that is part of their acts, and is of the same cause, which not seen, viewed, and considered, they can proceed to no available ne honorable sentence; for the king's highness' contumacy, as they call it, doth not alter the right, ne discharge their diligence, for so much as they may know,—and they may know that, which is in the process made by their authority. Wherefore the said cardinal shall say, it shall be necessary that they send for the said process, and consider the matter alleged in the same, lest their sentence disagree from the acts thereof, which should engender a great infamy, to their fol. 58. slander and dishonor. And this matter the king's highness thinketh the said cardinal might speak with his honor, and by this means prolong and put over the process of the matter, which the king's highness will take most acceptably. And if this moveth them, as it ought to do, then may there be won six months, at the least, to send for the said process, besides the time of disputation there, upon the contents of the same.

The said master Benet shall also, with like reasons and persuasions, solicit the cardinal Farnesius, de Monte, the cardinal de Trivulce, and such other cardinal as shall favor the French peradventure; unto whom he shall also have letters from the French king and the cardinals in France.

And where there is delivered unto the said master Benet two writings, signed with the king's hand, authorising him to make promise of bishoprics and promotions, as is contained in the same, the said master Benet shall use himself with wisdom and dexterity, and deal with them so assuredly, as they delude not his promises in that behalf.

Number CCL.

Holograph letter from Francesco Georgio to the King, vindicating Croke, and relating the endeavours made to withdraw the writer from acting with Croke. Written from Venice, December 4, 1531.

Nero, B. vii.
fol. 89.

VIDEO plerosque, Invictissime Rex, posse putare mei nunc esse, pro meâ in tuam Majestatem fide atque observantiâ, scribere ad eam crebrius, ut maximi illius Regis cujus me servitio tam[diu] ante addixeram, si minus semper licet per negotiorum occasionem, at saltem interdum scribendo videar in officio retineri.

Ad hoc ergo obeundum quantum his rationibus adducor, tantum vetor reverentiâ. Vereor ne aut medio æstu regionum negotiorum, Majestatem tuam interpellem inhuma[ne], aut honesto ocio, quo quandoque frui par est, interveniam intempesti[ve], quando Regis et negociis et ocio æque deferri semper duxi oportere; pr[æ]sertim cum per id tempus nihil habeam quod ad eam tantopere pertinere pu[tem]. Egit tamen mecum pertinacius, cum alias, tum vero novissime literis suis M[ar]cus Raphael, vir utique non solum ob ejus virtutes mihi charus, veru[m] etiam charissimus, eoque de Majestate tuâ et optime sentit et loquitur hon[or]ifice, ut scriberem ad eam aliquid; præsertim cum suspicer litera[s], quas de rebus omnibus Majestatis tuæ Domino Richardo commisseram, hau[d]quaquam fuisse redditas. Nil enim certi de hâc re habui. Propterea du[xi] non alienum has tanquam in vices earum substitui; quibus Majestas Tua primo saluta[nda], mox tota ratio propositi mei esse percurrenda. Ego, rex unice, quod multum deberi virtutibus tuis ab optimis quibuscunque intelligebam, tum semper, tum vero bienium prope abhinc commonefactus literis Tuæ Majestatis, Venetiis, Rom[æ] et alibi, quocunque jus vocaret, et meâ et amicorum operâ præstiti quod Dominic[i] Trivisani nepotis mei, negotio Tuæ Majestatis nullo loco defui, cum Domino Richardo ei[us] nuncio; qui etsi singularis vir, industriâ et summâ in Majestatem Tuam fide, tame[n] ut

erat homo novus, et nostrorum morum atque rerum insolens, quodque et nonnullorum qui tuæ Majestatis æque studio secum de hâc laude certabant invid[iâ] premebatur, nihil aut parum in eâ re profecisset, nisi esset nostrâ operâ sublev[a]tus.

Cui rei id argumento esse velim quod prospicientes hujusmodi viri quantum meo patrocínio in negotio eo proficiscerentur, cupientes de manibus ipsius Domini Richardi hanc gratiam apud Majestatem Tuam extorquere, summis me precibus ac polici- fol. 89 b.
tationibus sollicitârunt ut, vel eo destituto aut eadem, ipsorum intuitu, vellem in tuendâ eâ re peragere, rati hac unâ viâ majorem gratiam cum Tuâ Majestate comparare posse. Quibus cum nolem assentire, quod parum grave putabam ab eo discedere quem primum susceperam tuendum, quodque literis tuæ Majestatis jubebat agere cum eodem, alienatis animis infensi mihi esse cœperunt, atque ut Domino Richardo detraherent, meis operibus et fidei detrahare non destiterunt, tum Romæ penes quamplurimos, atque alibi, tum etiam (si vera audio) penes Tuam Majestatem; quorum ego omnium et malivolentiam et maledicentiam minora facienda esse duxi, opinione constantiæ et servatæ regiæ voluntatis, quod totum velim eo accipi ut existimetur dici a me, non aut exprobrandi officii mei gratiâ aut studio cujusquam penes Tuam Majestatem minuendi, sed desiderio probandi amoris in se mei. Quando etsi in rebus Majestatis tuæ semper id totum egerim quod potui, minus tamen me egisse putabo quam aut velim aut debeam.

Arduum est enim in rebus tanti Regis, tam sancti, tam eruditi, pro dignitate mereri sui.

Ne longioribus demorer, velim ut Deus optimus maximus augeat Majestatis Tuæ imperii vires atque auxit virtutum et probitatis cumulum; quæ felicissime valeat, meque et Dominicum nepotem meum atque Marcum Raphaelem, qui in rebus Tuæ Majestatis mecum fidelissime laboraverunt, in numero fidelium mancipiorum suorum habere dignetur.

Venetiis, die 4 Decembris M.D.XXXI.

Ejusdem Majestatis Tuæ Invictissimæ servus frater

FRANCISCUS GEORGIUS

ordinis minorum observantiæ regularis.

Endorsed—

Invictissimo Regi Angliæ.

Number CCLI.

Letter from the King to the Pope arguing against being summoned to Rome; and threatening him in general terms if he does not decide in his favour; written December 28, 1531.

Theiner,
p. 599.

SANCTISSIMO Clementissimoque Domino nostro Papæ.

Beatissime pater, post devotissima pedum oscula beatorum. Perlecto brevi Sanctitatis Vestræ, quod nobis reddidit dilectus consiliarius noster, unice nobis charus, et vestrâ commendatione multo charior effectus, Willelmus Benet, qui suis negociis jam expeditis, nostro mandato intermissam legationem repetit; magna certe animum nostrum subiit admiratio, quæ tandem vel nostra vel Vestræ Sanctitatis sit infelicitas, ut cum animis et voluntatibus, ut quidem litteris profitemur, in justiciam consenciamus, tamen quæ fiunt et petuntur utrinque tam sunt diversa atque pugnancia inter se, ut nunquam obtineant petitiones nostræ, et semper obtineant quæ adversentur. Justicia unica et simplex est. Errorem vero in discernendâ justiciâ esse oportet, aut affectum intervenire, qui judicium corrumpat. Humanum a nobis nihil alienum putamus, quo certe factum est, ut in eâ causâ, in quâ honeste et pie afficimur, synceras aliorum sententias exquisiverimus.

Neque enim interesse putamus, an in suâ causâ quis ut judex pronuntiet, an partis aut alioqui affecti judicium sequatur is, qui sit pronuntiaturus. Nos vero dicimus, immo doctissimi quique apud nos dicunt, atque adeo illis ipsis legibus iniciati, quas vestri profitentur, aliqui etiam iisdem et vivis et mutis magistris edocti, quibus ii vestri, qui Romæ sunt, nos Romam venire cogi non debere invitos. Justicia enim inquit non suffragatur, sed reluctatur, ut Romam in hâc causâ aut venire compellamur, aut mittere procuratorem. Consulimus autem eâ de re Academies Orbis celeberrimas, quæ nostris consenciant, et eorum judicia confirmant. Sanctitas vero Vestra, quum nobis justiciam ministrare cupere se contendat, consulit etiam, non dubitamus, doctos viros, sed Romanos tamen, sed

Italos, et eos omnino, quorum interest principum causas ad illa tribunalia pertrahi. Non moventur fortasse sordibus turpisve lucri aut questûs gratiâ, sed est quidam in patriam apud omnes amor et prompta propensio. Aliquid certe esse oportet, quod veritatem dividat atque in diversa secet, quæ naturâ suâ constans, et una est; sed de hiis dicemus postea. Justiciæ vero tocies a Sanctitate Vestrâ nunc verbis, nunc litteris repetita mentio mirum in modum commovit animum nostrum, effecitque, ut cum Sanctitate Vestrâ, quæ nostram amicitiam verbis ambire videtur, cujus etiam et personæ et dignitati semper in justiciâ et veritate bene volumus, animi nostri sensum liberius atque familiarius aperiâmus.

Primum nimium est, quod arrogant vestri rotales iudices, ut ex solâ auctoritate pronuncient, Academiarum et eruditissimorum sententiis neglectis in re controversâ, et quæ Principem respicit. Jugum est, quod nunquam ferre potuerunt in ullâ republicâ ingenui homines, ut pro voluntate judicetur judicantium, neglectis legibus, quæ dant auctoritatem. Nostris et vestris sunt iidem libri, adsunt iidem interpretes; sententiam itaque vestrorum secus quam oportet latam, postquam ab eruditis reprobata sit, solâ auctoritate constantem quis non spernat atque contemnat, futura quatenus licet providemus et cernimus, quæ certe multum nos conturbent, qui nec injuriam pati, nec irrogare didicimus.

Et quoniam votis nihil proficitur, hæc tanquam extrema et ultima tentamus. Itaque meminerit Sanctitas Vestra, quæ meminisse oporteat omni ex parte: initium et progressum causæ nostræ consideret, justiciam perpendat, et quid factum sit, animadvertat. Sola Reginæ assertio regnum nostrum reddit suspectum, in quo causa judicetur, videlicet quia timetur a nobis, ne libere judicetur. Et tamen cum causam hanc Cæsar pro suâ habeat, et tanquam suam defendat, ubi omnes sui sunt, aut a suis merito timentes, illis videlicet eorum cervicibus imminuentibus, eo nos vocamur, citamur, ut iudicium audiamus maximo honoris nostri cum præiudicio. Tota Anglia, horror est, neminem habet dignum, qui iudicet, atque adeo totus in universum clerus rejicitur; nullum Dei respectum habere iudicantur, inidonei sunt, qui rem tantam tractent, videlicet quia homines sunt, quia Angli sunt, quum tamen nec ab angelis iudicetur Romæ, nec ab hiis, qui minus vel verentur vel ament,

vel timeant Cæsarem, quam nostri nos, qui summam veritati libertatem semper permisimus. Et tamen hæc, quum fiunt, justiciæ nomine ornantur.

Appellamus conscientiam Sanctitatis Vestræ, non quatenus dignitatis respectu aliorum judiciis cedit, sed quatenus ipsa recti ratio ex veritate nata merito persuaderet. Mari et montibus a Româ disjungimur, et tamen Romam citamur, quod nunquam auditum est apud nos, Regem Romam fuisse citatum. Si Avinione causam decidendam commisisset, qui locus medium iter dividit atque indifferens est, etiamsi omnibus non fuisset satisfactum, aliqui tamen non ita improbâssent, videlicet quod in causis inferiorum personarum etiam solet frequenter id observari. Ceterum vocari Romam, quo nec tuto ire possis, nec sine periculo amissionis instrumenta mittere, etiam in privato durum est, in principe vero non ferendum. Est modus in rebus, et certi sunt limites, quos qui transgreditur, is certe sibi magnum periculum creare videtur, ne diffuant et pereant funditus, quæ constituerit: justicia non ideo minus justicia est, quod nos non petamus fieri, quæ fieri oporteat. Videatur, quod æquum est: sit modus in potestate, de quo dicti viri consentiant, ne alioqui destruat non ædificet. Quod in nos factura sit Sanctitas Vestra, saltem pro veteri amicitia rogamus, ut primum omnium ita justum esse cognoscat, ut non ex potestate justiciam, sed ex justiciâ potestatem omnes metiantur. Si justiciâ ducetur, facile per se ipsam innotescet omnibus, et justiciæ nomen obtinebit, quod fiet; sin secus acciderit, et justum defendatur, quia Romæ factum est ab iis, qui formam justiciæ absolutâ potestate pro arbitrio dare se posse contendunt, magnum certe generabitur offendiculum, ut ne quid dicemus amplius, non levem habet persuasionis vim rei gestæ clara et constans veritas, et omnium ora obloquentium obstruit, vincit etiam invicta, quum maxime opprimatur. Expressit hoc a nobis veteris amicitie recordatio, quam interruptam quomodocunque ægerrime ferremus, et conservatam in justiciâ cupiamus. Si nostra defendimus, etiam cum aliorum offensione naturali jure utimur, quod apud omnes valet.

Inviti faciemus, si quid faciemus, quoniam nollemus evenire, quod provocet ad contencionem, et in hoc gaudebit conscientia nostra: habebit enim quo se consoletur, ad quoscunque malum atque incommodum perveniat, omnem certe culpam esse alie-

nam. Itaque in manu Vestræ Sanctitatis est, nos vel indigne alienare, vel in officio continere, atque adeo beneficiis devincire. Spei et desperationis sunt mutux vicissitudines, quæ magnam animi solitudinem pariunt, ne eveniat, quod nollemus, aut tardius succedat, quod expectamus. Reliqua Sanctitati Vestræ ex nobis referent Mr. Willelmus Benet et alii oratores nostri, quibus fidem indubiam ut adhibere velit, eandem impensissime rogamus. Et bene valeat Sanctitas Vestra, cui nos humillime commendamus.

Datum in Regiâ nostrâ de Grenewich 28 die Decembris M.D.XXXI.

Ejusdem Sanctitatis Vestræ

Devotissimus atque obsequentissimus filius Dei gratiâ
Rex Angliæ et Franciæ, fidei defensor ac Dominus
Hiberniæ

HENRICUS.

Number CCLII.

*Conclusions against the validity of the Papal Dispensation,
of date 1531.*

Record
Office.

DUCERE uxorem fratris mortui sine liberis est jure divino et naturali prohibitum.

Contra prohibitiones divinas invalida ac prorsus nulla est Romani Pontificis aut alterius cujuscunque dispensatio.

Romanus Pontifex per Scripturas sacras nihil plus auctoritatis habet quam alius episcopus.

Unicuique episcopo officium a Deo commissum est ut quosvis curæ suæ commissos legem Dei doceat et contra eandem legem viventes admoneat arguat increpet modisque omnibus reformare laboret, nec ullius auctoritati etiamsi sit Romanus Pontifex cedere debet, sed in faciem juxta Pauli regulam resistere donec resipiscet qui deliquit.

Juxta eam auctoritatem quæ præter divinas litteras Romano Pontifici humanitus accrevit, Excusator est admittendus in omni re arduâ, etiam in curiâ Romanâ.

Sacrum generale concilium legitime congregatum est superius omni potestate episcopali vel (ut vocant) Papali; approbante concilio Basiliensi cujus hæc sunt verba, *Qui pertinaciter huic veritati se opponit, hæreticus est censendus.*

Omnibus Christianis concessum est atque licitum a Romano Pontifice ad generale concilium appellare.

Post appellationem a Romano Pontifice ad generale concilium, nihil facere aut attemptare debet Romanus Pontifex in præjudicium appellantis. Quod si fecerit, irritum cesserit et inane.

Sententia excommunicationis per Romanum Pontificem lata post appellationem ab ipso ad generale concilium legitime interpositam est ipso jure nulla.

Number CCLIII.

Original letter from the King to Ghinucci and Sir Gregory Cassali, urging them to get the trial of the cause delayed; written January 4, 1532.

HENRY R.

Reverende in Christo pater et magnifice Domine Gregori, ^{Vitell. B. xiii. fol. 143.} nobis plurimum dilecti, salutem. Accepimus litteras vestras datas Romæ 17^{mo} Decembris²⁵. Ex quibus et item aliis quas eodem die ad nos scripsit dilectus noster Dominus Karne, intelleximus non solum quibus artibus ac quantâ cum pertinaciâ jampridem post discessum Domini Benet institerint Cæsariani ut Pontifex petitiones omnes vestras rejiceret, et statim contra nos sententiam ferret; verum etiam quantam prudentiam, fidem, ac diligentiam in reprimendo et obviam eundo tam iniquis illorum conatibus vos contra præstitistis. Intelleximus vero et ex eisdem litteris quantâ cum animi promptitudine et alacritate vos bona omnia vestra lubenter oppignerastis, nec ullis sumptibus pepercistis in comparandis et accersendis Romam usque, doctissimis quibusque quos habet Italia viris, qui causæ nostræ justitiam, dum publicæ illæ disputationes in Consistorio peragentur, suâ eruditione et iudicio sint comprobaturi.

Quibus in rebus, ut si unquam antehac, maxime certe hoc tempore officia illa vestra ita nobis sunt cordi, ut nullo unquam tempore e memoriâ nostrâ excidere queant. Cum nos eadem ita grata acceptaque semper sumus habituri ut in referendâ etiam gratiâ, quam sane maximam hoc nomine apud nos iniistis, vobis vicissim deesse nullâ ratione sustineamus.

Quod autem ad causæ nostræ statum attinet, et quid istic a vobis fieri ac impetrari cupiamus; quoniam Doctorem Benet super hiis rebus omnibus abunde instruximus, instructumque ad vos jam ante quatuor dies hinc expedivimus, supervacaneum duximus eadem ad vos hoc tempore perscribere. Speramus

²⁵ See Carne's letter to Benet, State Papers, vii. 328.

enim quod ille sit propediem Romæ vobiscum futurus, animique nostri super hiis rebus sententiam ad plenum vobis explicaturus. De pecuniâ vero quæ tantis sumptibus vestris possit sufficere, nos jam dudum rationem cum Matthæo Bernardo de la Banco, Mercatore Veneto, inivimus, neque dubitamus quin ea vobis præsens omni cum celeritate et infra 20 ad summum dies numerabitur. Literas autem excambii ipse Bonettus vobis præsentabit.

Interim vos etiam atque etiam rogamus ut quâ cœpistis, omni cum studio, diligentia ac importunitate a Pontifice et Cardinalibus contendatis, ut et diem jam publicis disputationibus per eos dictum, in justum aliud tempus prorogare, pariter et earum disputationum censores et relatores non nisi doctissimos, integerrimos, æquissimos ac maxime indifferentes viros vobis concedere et consignare velint, et si quid præterea aliud nobis causæque nostræ conducibile vestra prudentia judicabit. Nos vero fidem istam, studium ac benevolentiam quam erga nos singularem vos semper præstitisse jam bene multis argumentis didicimus, mutuo favore nostro ac beneficiis vicissim compensare studebimus.

Ex Regiâ nostrâ Grenewichi quartâ die Januarii.

Endorsed—

Reverendo in Christo patri ac domino
D. Hieronymo episcopo Wigorniensi
et Magnifico viro Domino Gregorio
equiti Cassalio, nostris apud Sanctissimum Dominum nostrum oratoribus quam plurimum dilectis.

Number CCLIV.

Original letter from Ghinucci and Sir Gregory Cassali to the King, informing him of the small hope they have of the cause being deferred. Written January 4, 1532.

SERENISSIME ac potentissime Domine Rex, Domine
 noster supreme, felicitatem, etc.

Vitell.
 B. xiii.
 fol. 143.

Quum heri Doctor Karne²⁶ Majestati tuæ uberrime scripserit de diligentis quibus usi [sumus], de responsis quæ a Jure consultis habuimus, super hiis plura non repetimus; [id] duntaxat explicabimus, nos hodie Pontificem convenisse, eique quas ad nos tum [Theologi], tum Jure consulti exaraverunt literas ostendisse; et imprimis quas Decius [Senensis], Curtius, et Soccinus scripsere; Notumque Sanctitati suæ fecimus Curtium et Soccinum [neutrales] esse nisi a Senatu Veneto eis licentia detur; Aiunt enim senatum illum, Cæ[saris] intuitu, sibi ipsis prohibuisse, tum ne id quod in favorem causæ Majestatis vestræ consulu[erint] mitterent, in quâ quidem causâ se scripsisse affirmant, tum ne in hujusmodi [se aliquo] pacto intromitterent.

Retulimus pariter Sanctitati suæ quid super hoc Parisius, [cui, dum] Patavii moraretur, non modo a Senatu Veneto hoc idem interdictum fuit, verum [etiam] binis litteris et pluribus quoque litteris ejusdem Cæsaris agentes et legati inju[nxere ne in] causâ istâ consulere auderet. In quorum testimonium Sanctitati suæ adduximus [ordi]narium, oratoremque Venetum nobis dixisse Senatum Venetum ne verbum u[llum] consultis dicturum fore, nisi voluntas Cæsarei oratoris accesserit; et prop[terea] dandam esse operam ut orator Cæsaris hic residens cum altero eorum ver[ba faceret]; quod tunc pollicebantur Senatum licentiam cunctis Patavii Doctoribus non n[egaturum].

Super hoc, Sanctitati suæ diximus quod quum nulli alii Jurisperiti magni nominis, [exceptis] quinque supradictis, ex quibus

²⁶ In his letter to the King ludes to this letter of the 3rd of the 20th of January, Carne al- January.

Decius est adeo decrepitus ut nequaquam ac[cedere possit], Frisius quoque est admodum senex, non ita tamen ut venire nequeat, Si vel [auc]toritate quâ plurimum in Italiâ pollet, nobis esse impedimento, ne istos tres salt[em] qui Advocati nostri sunt, quique Majestatis Vestræ pecunias receperunt et, ut affirma[nt, in causâ] principali scripserunt, Nos non posse aliud agere nisi valde conqueri de v injustitiâ nobis, Affirmareque dilationem hujusmodi quum a Cæsari[anis] fuerit, tanquam non concessam fuisse. Quapropter Sanctitatem suam oraba[mus] tolli, et nobis promissam dilationem cum affectu dari curare vellet: hæc cuncta in consistorio refferet, nobis imponens et Anconitano ageremus.

Cum Anconitano hoc eodem mane fuimus. [Supr]adicta omnia exposuimus, volentesque ut videret litteras quas Pontifici [ostend]imus, Dixit quod essemus cum Cardinali de Monte; Non tamen a Pontifi[ce nec] ab Anconitano aliqua colligere potuimus ex quibus ulla firma spes [d]ilationis haberi possit. Nos nihilominus rem curare non cessabimus [sed] diligentia, studio, cogitatione, gratiâ et operâ sedulo incumbemus [ne] ista concedatur. Quod ad Frisium, quia scribit se nunquam ventu[rum si] Pontifex ei non jusserit, Sanctitas sua obtulit se paratam scribere Nuntio [Pe]rusiæ residenti ut eum alloquatur, et certiolem faciat si venerit Sanctitati suæ [rem pe]rgratam facturum.

Optime valeat Majestas Vestra cui nos humillime [commend]amus.

Romæ, die 4 Januarii M.D.XXXII.

Ejusdem Majestatis Vestræ humillimi servi,

HIE. EPS. WIGORN.

GREGORIUS CASALIUS.

Number CCLV.

Original despatch from the King to Gardiner, directing him to urge the French King to join the Princes of Germany and make war against the Emperor. January 12, 1532.

By the King.

HENRY R.

Right reverend father in God, right trusty and well-beloved,— Addit.
We greet you well, and have received your sundry letters of MSS.
the second, the fourth, and the seventh days of these present, ^{25, 114,} fol. 60.
by continue whereof we perceive with how much wisdom, dexterity, and diligence ye have used yourself there, as well in the declaration of our affairs to our good brother the French king and his council and the acceleration of Doctor Benett's depeche, as also concerning the matters of Germany and the enserching what affections be there towards us and the advancement of our desired purposes, for the which we give unto you our most hearty thanks.

And for answer thereunto and your better instruction how ye should further proceed and use yourself in all your doings hereafter. First, whereas ye signify unto us that ye thought Mr. Benet should, according to our mind and desire, be depeched towards Rome the next day after the writing of your last letters, which was the 8th of this month, our pleasure is the same being accomplished, ye give therefore our most hearty thanks, as well to our good brother the French king, as to the Chancellor, the Great Master, and all other which have by any means furthered and set forward the same, with declaration how grate and thankful their doings therein be unto us.

Second, whereas ye write that the matters of Germany wax cold there, and that ye think it is not possible to remove our good brother from the opinion that the emperor is not to be provoked openly to war by any means during his abode in those parts, ne that he will otherwise treat or meddle with the

princes of Germany, but only to agree them and give them hope of aid and money for defence of their right until the emperor shall be departed into Spayne, and until they shall have made a new king, ye shall understand that we, approving also in some part our said good brother's opinion, think it *nevertheless to be very expedient* and necessary that all means possible be devised and set forth by our good brother, whereby the said princes may be so encouraged that, for fear of the emperor and dread of lack of aid and assistance, they be not driven into the emperor's lappe. Wherein, although we think it not convenient to prescribe unto our said good brother any special or certain manner of proceeding, yet our pleasure is that ye employ all the craft of persuasion ye can, to engreave unto our good brother the imminent danger and perils which may fortune to all Christendom in case the said princes should return to the emperor's devotion. And, contrary, what singular profit and commodity might ensue to us both and our realms, in case the emperor might be driven hence into Spayne by despair of doing further good or hope of reconciling the Germaines, *advising our good brother that for no respect he will pretermitt or lose this so goodly occasion*, the like whereof shall not percase in many years after be given unto us [²⁷ specially for that as we be this day advertised out of Flaunders the emperor intendeth now incontinently to send Mounsieur de Nasso, with others, unto the princes of Germany to dissolve their purposes and amity, and to reduce them in the emperor's devotion, if they can by any means possible attain the same, which thing we require you to imprinte in their heads with such vehemence as ye may thereby induce them more facily to grant and follow such requests as ye shall on our behalf demand of them hereafter].

And as concerning the money to be sent to the Duke of Lorayne, considering that in shewing ourself no less respective and fearful therein than they be,—we may use our answer touching the sending thereof to our commodity, thereby to induce them to enter new capitulations and to descipher also of what affections they be towards the prosecution of the entertainment of the said princes of Germany, or contrary,

²⁷ This is a subsequent addition in the margin.

as we shall hereafter in these letters further declare unto you ; minding, nevertheless, which also we think marvellous necessary, to send the sum of ten thousand coronas to the said duke for our part with all diligence possible; so as our said good brother will do the semblable for his. And also to send one instructed according to our good brother's device to treat with the said princes of Germany within these three days, with further advertisements what our pleasure is ye shall further do in that behalf.

And whereas in your last letters ye signify unto us that, entreating there with the king our good brother's counsel, and fol. 61. taking the matters of Germany as the special ground why it should be now necessary to the intended purposes of us and our good brother to enter some new capitulation and more special conjunction than hath been yet between us,—we have hitherto so proceeded as though ye had been sent thither instructed and authorised thereunto, for the common wealth and benefit of both our affairs, now presently and indifferently requiring the same. And yet they, putting that aside, will not be seen to find or favor anything that should move them to any such capitulation, but use themselves so as though ye should make request on our behalf that such confederation should be now renouelled and made for our benefit only.

Our pleasure is that, persisting with such good reasons as ye can devise to maintain your said manner of proceeding, ye so in all points attemper your sayings and doings as they in no wise may perceive that we upon any necessity have been moved to require any such capitulation with them but for the mutual interest and commodity of us both ; for defense whereof, first ye may say and recount unto them how our good brother hath heretofore oftentimes desired the same thing of us, and hath sent unto us first the Bishop of Bayon and Monsieur de Langez to Woodstock, and sith the said bishop to Ampthill, desiring us very instantly, on our good brother's behalf, that the old treaties might be renewed and so explicate, by some new capitulations, that all manner of doubts which might in any wise insurge thereupon might be clearly taken away. To which their desires, although we did forbear to consent at those times, forasmuch as we durst not put overmuch affiance in them, being at that time their children in captivity, and they

also treating secretly and without our consent with the emperor and the Scotts. Yet considering now the perfect and sincere love which we perceive by manifold and unfailable arguments to be so rooted and confirmed between us that it cannot be dissevered or diminished, we have thought it now very reasonable and convenient to accept and take their said offer, and to condescend to their requests in that behalf, considering the same should much confer to both our sureties, wealths, and commodities, *ut nunc sunt tempora et status rerum Germanicarum et Caesaris nimia et intolleranda ambitio*. And for this cause only and specially ye may say that we have been moved at this time to send you thither, wherein, if they shall nevertheless shew themselves anything difficile, ye may then say, as of yourself, ye cannot tell in what part we will take their so doings, and sith that they oftentimes before this season have required of us the very same effect, we must needs think, if they make any stay therein now, that they were then moved thereto only upon respect had to their own utility, and for the relieving only of their own necessity, being their children then not delivered; and that it proceeded of no love or amity they had to us or our commodity: which opinion they should rather study to remove than by such dealings to impress it more and more into our breast.

fol. 62.

Second, ye shall call to remembrance how that in August last past the king our brother, in his letters to Monsieur Joachin, expressed certain causes why he thought not convenient to move any war until he might be assured particularly how, when, after what sort and what special aid his confederates should give unto him, saying that he would not first enter war and after dispute of the aid, and so be served as he was once, meaning thereby the insufficiency of the treaty made between us, wherein either it was not provided for conversion of our aid from the lower parts unto the parts of Italy, or else the *quantie* of the aid is so referred *ad conscientiam præstantis* that when either party shall have need of the other, each shall be in such uncertainty that he shall be assured but of little comfort of his confederate.

Wherefore ye may hereupon take all good occasion to advise and counsel them to forsee such and all other points as might tend to the surety of them and us, and now eftsones to

enter some new capitulation for the redubbing and better declaration of all such error or obscurity as might in any case thereupon arise, by which persuasions, or any other by your wisdom to be invented, if percase ye shall not now induce them to follow and execute effectually your devices and advices, *sed frigebunt adhuc nec ad ista incalescent*: Then ye may, thirdly, as of yourself desire our good brother and his counsel to expend and consider by their wisdom, first, how that we, being in our realm possessed in peace, had no cause either to promise war, as we did in times past, with the emperor, or at this time to entertain the princes of Germany with our aid and money, but only at the contemplation, special instance, and requests made unto us at sundry times by our good brother's ambassadors, which for the singular love and affection we did then and do now bear unto our said good brother, and for the revenging of such injuries as he then and now sustaineth, we could not refuse to fulfil and satisfy so much as in us was and at this time is. fol. 62 b.

Secondly, that they will also consider what lawful pretence or color we might have to defend our doings towards the emperor, *ne merito conqueratur de violatâ a nobis fide et pactis inter nos et illum fœderibus*, in case we should contribute now as they require any money, aid, or other assistance to the princes of Germany, between whom and us was there never any treaty or league of amity and friendship contracted heretofore. Whereunto, they being not liable to satisfy you by any good, sufficient answer, and we, on the other side, knowing perfectly what our good brother might pretend for his lawful excuse in that partie; being also assured of what affection the emperor is towards us *et quam libenter occasiones omnes undecunque arripit*, whereby he may trouble and unquiet the state of us and of our realm, not ceasing to stir, provoke, and encourage other princes and people against us in such case,—At which point ye may open as ye shall think good such words as the King of Scotts of late spake unto his chancellor and certain other of his counsel, whereof, by our commandment, our right trusty and right entirely beloved cousin and counsellor, the Duke of Norfolk, doth at this time in his letters advertise you more at length,—Ye may say that ye be well assured that neither we ne the lords of our counsel here,

fol. 63.

considering the premisses and other notable dangers and inconvenients also which of our so doing is undoubtedly like to ensue to us and to our realm, will ever consent or agree that we should send any such aid or subsidy at this time unto the said princes, unless our good brother will be content to capitulate and conclude with us, for his part, what special aid and what sums of money, ships, soldiers and artillery both he and the princes of Germany will be contented to assist and succour us withal; in case the emperor by himself, his subjects, friends, allies, or other confederates shall hereafter, for our said doing, or any other pretended quarrel or matter, invade any of our dominions, or in any case, by sea or by land, trouble our subjects, or interrupt such traffic and enterprise of merchandise as they now have in his dominions, or by arresting their goods within his said dominions, infer unto them any hurt, damage, or prejudice in time coming; which only being declared and set forth unto them with such efficacy as ye can, we doubt not but that it shall enforce them utterly to put away their cold dulness, and be content, rather than we should refuse the said contribution, to condescend unto all your requests, and so enter what capitulations ye will move them unto.

Whereunto, if they shall finally condescend, following your former instructions, our further pleasure is, that all such things as shall be now between you convented, be in no wise made as an appendant or part of any of the old treaties, but to comprehend all those things in a new treaty separate and apart from all the former; the same to be made and conceived as near as ye can after the form and upon like occasions and suggestions, as the obligation reciproque is which beareth date 8^o Aug. *anno millesimo quinquagesimo vicesimo sexto*, with a clause in the beginning *de non derogando ullis articulis conventis et conclusis* in any of the former treaties. And the same bond to endure and continue for the time of both our lives.

fol. 63 b.

And in the same, over and above your former instructions, ye shall not omit to comprehend the article for the arresting of the merchants of Flaundres and other of the emperor's countries being in the dominions of our good brother, for recompense of our merchants' goods which should chance to

be arrested in Flaunders; and that the bond may extend *ad bellum offensivum et defensivum utrinque* in case any such battle should be moved for the said arresting and satisfaction of our subjects on either part, like as ye signified unto us in your letters of the 4th of this present. Albeit herein we think it necessary ye declare and explicate this word *offensivum* after this sort and none otherwise; that is, that we shall be mutually bound *offendere offendentes*, in case the emperor should, upon occasion of the said arresting of his subjects or their goods, invade, or cause to be invaded, any of our realms, dominions, or procure any damage to either of our subjects. And in case also that the emperor, or any by his aid, advice, or consent, invading any of our or our good brother's dominions or countries, and being expelled and put to flight by us or either of us, it shall be then thought most beneficial unto us further to invade and offend the realms and dominions of such as did first invade either of us.

Ye shall also comprehend in the said treaty, that in case the emperor shall interrupt, with his subjects or in his dominions, the enterprises of our and our good brother's merchants, that then the king our brother and we be bound mutually each to other; likewise to let and break the traffic of, all the emperor's subjects within our realms, and in no wise to permit or suffer them to have any intercourse in the same; not omitting also, in this case, provision to be made for translation of the mart unto such places within our good brother's realms as may be most mete for our merchants to have recourse thereunto, and for their most profit and commodity.

Finally, whereas ye in your second letters do write that in ^{fol. 64.} your opinion it should be much beneficial to our purposes that defence should be extended *ad expensas præstantis*, desiring herein to be ascertained by us *ad quam summam*, we would be content to be bound to the king our brother, and what sum we would require again of him; ye shall understand our mind and pleasure is, that although there is much inequality in the causes and likelihoods of our good brother's necessity and ours, being his realm and dominions much more ample and large than ours; being also his title and matters of quarrels much more in variance than ours; so that hereby he shall

perceive much more fait and benefit of our aid than we of his, and therefore there ought to be like inequality on his behalf in contributing and bearing the expenses (which thing ye may dilate and set forth after such sort and fashion as ye shall think most convenient), yet finally perceiving that they will not facily be induced thereto, ye may say that we be well contented to sustain equal charges with them ; so that the same exceed not, ne be extended above, the sum of one hundred thousand corones, to be employed *ad expensas præstantis* for the space of six months yearly, as oft and whensoever as the necessity of either of us shall require any such aid, and in such cases only as we have heretofore in these our letters, and also by mouth before your departure, instructed you.

fol. 64 b. And treating with them hereof, it shall be well done also ye consider diligently one point ; that is, what is to be done by either of us in case the emperor should, by so secret and covert means, concur and aid in deed any other prince or nation to invade our realms, dominions, etc., as may not facilly by either of us be deprehended, ne we shall be able to produce or bring forth any evident proof thereof. For removing of which doubt our advice is, ye make this promission, that is, that in such case *stabitur litteris certificatoriis principis requirantis manu ejusdem signatis et sub verbo regis et honore suo hæc attestantis*. And the said aid directly to continue, without any refusal on either part, until such time as evident proof may be brought forth that the emperor doth not indeed minister aid, favor, consent or counsel unto him or them that so shall fortune to invade either of us. Albeit as well this our advice as all other our former pleasure in these our letters before to you declared, concerning the treating of these capitulations to be now convented between us, we refer wholly to your wisdom and discretion therein to use yourself in every point as ye shall think by your wisdom most convenient and behoveful for the advancement of our desired purposes ; not doubting that ye will yet eftsones advertise us of all your proceedings there before that ye shall have concluded anything effectually in that behalf. Which we desire you to do with all diligence, to the intent that having maturely digested in the mean time these matters with our counsel, if anything shall further occur necessarily to be in the said capitulations to be

remembered, ye may be thereof advertised and so proceed to the conclusion of the same accordingly.

And to make an end, one thing there is wherein we think good ye ensearch and know the perfect resolution of our good brother's mind; which is, that although we also approve our good brother's opinion for so much that the emperor is not to be provoked yet by open war until he shall be departed hence into Spayne; yet, whatsoever shall come of the emperor, and whether he shall go into Spayne or tarry here still, we think it very necessary some good provision be made for reciproque aid to be given unto us by our good brother and the princes fol. 65. of Germany. For, so far as we can learn by our agents in Flaunders, there is no preparation or likelihood that the emperor shall depart hence of a long season. During which time, if any exploit should be done against us by our enemies, we think it very necessary we might be put in some assurance of their mutual aid for our money to be sent now for their defence.

Given under our signet at our Manor of Grenwich the 12th day of January.

Addressed—

To the Right Reverend Father in God,
our right trusty and right well-be-
loved Counsellor, the Bishop of Win-
chester, our principal Secretary and
our Ambassador in the Court of
Fraunce.

Number CCLVI.

*The Pope's exhortation to the King to take back Catharine
and to dismiss Anne Boleyn; dated January 25, 1532*²⁸.

Herbert,
p. 332.

CHARISSIME in Christo fili noster, salutem et Apostolicam benedictionem.

Quod pro nostrâ in te benevolentîâ, tuoque honore et salute falsum esse cupimus, relatum nobis est, et a multis confirmatum, Serenitatem tuam, quæ non solum antea, verum etiam post motam litem inter te et charissimam in Christo filiam nostram Catharinam Angliæ Reginam Illustrissimam, super validitate matrimonii inter vos contracti, eam apud se, ut decebat, in suâ Regiâ curiâ tenuerat, atque ut Reginam et uxorem habuerat, et tractaverat, a certo citra tempore eam non solum a se et suâ Curiâ, sed etiam a Civitate seu loco suæ residentie separâsse, alioque misisse; loco autem ejus quandam Annam in suum contubernium, et Cohabitationem publice recepisse, eique maritalem affectum uxori tuæ debitum exhibere; Quæ res, fili Charissime, si modo vera est, tuque parumper animum ab humanis affectibus collegeris, non dubitamus, quin, etiam tacentibus nobis, perspecturus sis, quam multis modis indigna te fuerit, vel ob contemptum litis-pendentie et Judicii nostri, vel ob scandalum Ecclesiæ, vel ob communis pacis perturbationem; Quæ omnia ita a recto et religioso Principe, qualem te semper habuimus, aliena sunt, ut, tanquam tuæ naturæ et Consuetudini repugnantia, etsi nobis in dies magis confirmantur, difficiliter tamen credamus.

Quid enim minus tibi, et tuæ probitati convenit, quam hinc apud nos, per Oratores et literas, super causâ istuc remittendâ, instare, inde te ipsum Tuo facto causam decidere? Quid simile tui, armis et scriptis olim Ecclesiam et sanctam fidem defendisse, nunc tali facto Ecclesiam videri contemnere? Jam

²⁸ This document was first printed in Herbert's History, and afterwards from another copy by Le Grand, tom. iii. pp. 560-566.

vero communis salus et tranquillitas a nullo unquam nostri temporis Rege acrius quam a te custodita est, qui bellum pro Ecclesiâ olim susceptum, et gloriose confectum, pro communi quiete deposueris; semperque Arbiter quidam pacis et communis concordiae inter Christianos Principes conciliandæ fueris existimatus; Quo magis hæc nova de te audientes, admiramur simul ac dolemus, unum hoc tuum factum, si modo verum est, ab omni vitæ tuæ gloriâ et consuetudine discrepare.

Quamobrem cum nec rem tantam non explorare certius, nec neglectam omittere debeamus, hanc ad te, quasi amantis et solliciti Patris vocem præcurrere volumus, antequam Judicis ullas partes tecum sumamus. Faciunt enim tuæ Celsitudinis dignitas, vetera tua in nos merita, nostraque ex his erga te benevolentia, ut tecum omni respectu et lenitate agere velimus, sumptâ parentis personâ, et Judicis tantisper depositâ, donec ex tuis literis consilium progrediendi capiamus. Cupimus quidem, fili, ut diximus, hæc penitus falsa esse, aut non tam aspera quam nobis referuntur, Teque ipsum deinceps, pro tuâ singulari sapientiâ, providere, ne cuiquam de Serenitate tuâ omni virtute conspicuâ in hoc tantum obloquendi detur occasio. Si quis enim vel ex Catholicis dolens, vel ex hæreticis gaudens audiat, te Reginam, Regumque filiam, Cæsarisque et Regis Romanorum materteram, quam in uxorem accepisti, viginti amplius annis tecum commoratam, prolemque ex te susceptam habentem, nunc a tuo thoro et contubernio procul amovisse, Aliam quoque publice apud te habere, non modo sine ullâ licentiâ nostrâ, verum etiam contra nostram prohibitionem; Is profecto necesse est, ut sententiam quodammodo de optimo Principe ferat, tanquam Ecclesiam et publicam tranquillitatem parvi faciente, quod nos scimus ab intentione et voluntate tuâ longissime abesse; in tantum, ut si quis alius hoc idem in tuo regno audeat, quod a tuâ Serenitate factum dicitur, nullo modo te probaturum, sed etiam severe vindicaturum pro certo habeamus. Quamobrem fili, etiam si tu rectissime sentias, ut nos quidem constanter credimus, tamen causam præbere rumoribus et scandalis non debes; hoc præsertim tempore tam calumnioso, plenoque Hæresum, et aliarum perturbationum; ne tuum factum latius pateat ad exemplum. Sunt enim facta regum, præsertim illustrium, sicut tua Serenitas est, proposita quasi in speculâ, hominibus cæteris ad

imitandum. Nec præterea negligenda tibi est communis salus, et totius Christianitatis tranquillitas, quod semper fuit optimorum Regum. Nec, fili, debes Serenissimos Cæsarem et Romanorum Regem, dictæ Catharinæ Reginæ nepotes, nullâ te prosecutos contumeliâ, hâc tam gravi injuriâ, indecisâ lite, afficere, et exinde pacem perturbare universalem, quâ solâ adversus imminentem nobis Turcam tuti sumus; ne scandali in Ecclesiâ, periculi in totâ Christianâ republicâ causam præbeas, proptereaue Rex cœlestis a te irritatus, tantam suam erga Te benignitatem aliquâ serenitatis amaritudine permisceat.

Te igitur, fili, per eam, quâ semper te sumus prosequuti benevolentiam, semperque, si per te liceat, prosequemur, omni studio et amore hortamur, et paternâ charitate monemus, ut, si hæc vera sint, quæ tuam veterem pietatem et gloriam denigrant, tute ea corrigere velis, ipsam Catharinam Reginam ad te humaniter revocando, atque in eo Reginæ honore, et uxoris quo decet affectu, apud te habendo: Ipsam vero Annam a publico tuo convictu et cohabitatione, propter scandalum, removendo, donec nostra sententia inter vos subsequatur. Quod nos quidem, etsi est a te debitum, tibi que est maxime futurum honorificum, beneficii loco recepisse a tuâ Serenitate videbimur. Nam quod te in pristinâ tuâ voluntate erga nos, Observantiâque erga hanc sanctam sedem, cum quâ mutuis officiis et beneficiis semper certâsti, conservare maxime cupimus; summo sane cum dolore, ad ea descenderemus Juris remedia, quorum necessitatem non nostra privata contumelia, quam tibi libenter condonaremus, sed Dei omnipotentis honor, publicæque utilitatis, et tuæ animæ salutis ratio ad postremum nobis, quanquam invitis, imponeret; Sicut Etiam Nuntius apud te noster hæc Tuæ Serenitati uberius explicabit.

Datum Romæ apud Sanctum Petrum sub annulo Piscatoris, die vigesimâ quintâ Januarii 1532. Pontificatûs nostri Anno Nono.

BLOSIVS.

Number CCLVII.

Original letter from the King to Gardiner, directing him how to act at the French Court; written January 27, 1532.

By the King.

HENRY R.

Right reverend father in God, right trusty and right well-beloved, we greet you well.

Addit.
MSS.
25, 114,
fol. 67.

And have received your letters of the 22th of this month by your servant, Henry Fraunces; and forasmuch as the 21th of the same we depeched unto you again your servant Christopher with the minutes of such letters and instructions as we before sent unto you by your servant Cromwell. All which, with our other letters also sent unto you by Mr. Bonner, we doubt not but be or this time come to your hands, to your good contentment and satisfaction; we at this time, referring you for your instruction thereunto, shall only by these our letters advertise you that having since your departure sent our servants, John Ridley, one of the pages of our chamber, and David Myller, one of the yeomen of our guard, to the sea, furnished with two small ships for the war, to the intent only that they might encounter and apprehend certain Danys, being pirates and robbers on the seas, which not long afore in the Downs had taken a ship belonging to the said David Myller.

It so chanced that our said servants, being on the seas for the purposes aforesaid, espied a ship that came out of Scotland taking her course towards Fraunce. And sending out certain of their men in a ship's boat to know what they were; the company of the said ship made not only unto them no good answer, but straight upon the approaching of the said boat towards the said ship, threw and cast wild-fire, darts, stones, and such other things at them being in the said boat; so as hurting divers of them, they were constrained to return to their ships and captains; unto whom making relation

thereof, they, hoysting their sailes, made after the said ship, and having her in chace at the last did overtake her; And when the company of the said Scottish ship saw themselves in the danger, they yielding themselves, one of them privily did cast over the borde into the seas a packet of letters directed to the Duke of Albany and others, which our said servants perceiving, and marvelling to what purpose they should so do, they not only, upon suspicion thereof, retained with them the said ship until they were commanded by us to suffer her at her liberty to depart, but also, by good means, recovering the said packet of letters out of the seas, sent the same unto us.

fol. 67 b. And ye shall understand that having lookyn up the said packet of letters, and read over with good deliberation the same letters; forasmuch as it was to us and our counsel thought very expedient that we should know the contents of them, considering their suspicious dealing in casting the same over the borde into the seas; and such practises as we knew were set forth by the King of Scotts against us; we find therein sundry things sounding to our high displeasure, and tending to the confirmation of such reports as hath been made heretofore unto us concerning such practices as hath been set forth between our good brother and the said King of Scotts; as by the contents of the same, which noting diligently ye shall perceive; our mind and pleasure is, that when ye shall have well perused the said letters, and naturally digested the effects and principal points of the same, to the intent ye may thereby the more facily dissiphre their covert dealing, if any such be; ye then, first repairing to the Great Master and the Bishop of Bayon, and sith to our said good brother, the French king, shall shew unto them secretly by mouth such articles of the said letters as by your wisdom shall be thought necessary to be declared for the purposes above said, retaining nevertheless the said letters with you, unless they shall make special instance to you for the sight of the same, declaring in every condition how and after what fashion they were intercepted, with the whole circumstance of the same, as before is specified, saying that albeit we have by this chance intercepted the said letters, wherein be sundry points contained, sounding to our displeasure, forasmuch as it may now well appear that the said rumors hath not been noised without some ground, yet

having so planted in our heart the sincerity which we doubt not but our good brother beareth towards us; as the same, either by these letters or any other semblable matter or occasion, can in no wise be anything removed, we do not only at this time signify the same unto our good brother, for that fol. 68. thereby he shall perceive to know or hear nothing which might seem to be against his honor, but that frankly, as our assured amity and friendship doth require, we do participate the same unto him.

In communing whereof, if our good brother or his council shall fortune to say, These be but Scottish braggs only devised for their own glory, our good brother shall be assured of us. And whatsoever they or any other shall report, we shall be towards him indeed no less assured than we have many times expressed in words, accounting us both but as one, or shall utter words of like sentence; ye shall at that point say that we nothing doubt thereof. And that we be also well assured that he will not treat or conclude indeed any marriage with the said King of Scotts without our consent, engreving unto them the injuries which we and our subjects sustain by the King of Scotts provoking us daily to open war, as well in that we can at his hands neither have justice ministered, ne redress made to our subjects of such evil attemptates as daily, contrary to the effect of the treux between us established, on his behalf be committed. As also for that continually he encroacheth upon our lands, pretending the same to be his inheritance, which never heretofore hath been in question. And thereupon ye shall say it were very expedient that ye might peruse and view the old treaties between us and them concerning the Scotts, to the intent that ye having sufficient commission thereunto may treat and conclude with them upon all such things as be to be supplied or altered therein, whereby a straight conjunction and amity may be established between us; adding hereunto that our special trust is in our good brother that he will in no wise aid or comfort the said King of Scotts against us, but use himself according to the treaties heretofore made between us, augmenting rather all things that may tend to our benefit than to diminish in any part the same in comforting or aiding any man against us. And by your wisdom, dexterity, and such reason as ye can devise for that purpose, so set both

the same as ye may press them, if it be possible, not only to perform and satisfy the same, but also to offer to conclude, in these new capitulations, some certain aid to be given by our good brother, the French king, unto us, in case hereafter we should move and war against the said King of Scotts.

fol. 68 b.

And for your better instruction therein, minding to have sent unto you the copies of the treaties remaining here with us, and making diligent search therefore; forsomuch as yet we can find but one treaty for that purpose, we have taken out of the same, two articles which we send you herewith enclosed, to the intent ye may the better induce them and put them in remembrance of their old bands, to the better observation and performance of the same. And that ye may also perceive thereby whether they go about to embecile, conceal, and hide from you any of the old treaties made for our benefit in that case.

And when ye shall have thus shewed the said letters to our good brother and his counsel, as is above expressed, amplifying or extenuating the displeasures towards us in the said letters mentioned, as by your wisdom shall be thought to serve and conduce best to the achieving of [our] purposes; our further pleasure is, that ye say unto our good brother, the Great Master, and Monsieur de Bayon, that we have commanded you to ask their advice and counsel how and after what sort ye shall, after the shewing of the same to them, deliver the said letters to the Duke of Albany, so as he, being our friend, by the opening of them, think in us none unkindness. And according to their devises in that behalf, if ye shall think the same convenient, then packing up again all the said letters, ye deliver them unto the said duke accordingly; declaring unto him the fashion and manner, with the whole circumstance of the apprehension of the said letters; and desiring him to take in the opening of them none unkindness, or thereby to conceive any other opinion of us than that it becometh him to do of his friend. Ye shall also understand that yesterday we received a breve from the Pope, requiring of us aid and subsidy against the Turke²⁹. As by the copy thereof, which we send unto you, ye shall perceive. And

²⁹ The breve is dated January 4, 1532.

nothing doubting but that our good brother, the French king, hath received another of semblable tenor, our pleasure is, that shewing unto our said good brother the copy of the said brefe, ye know of the same, and of other his counsellors, what answer ^{fol. 69.} they be determined to make in that behalf, to the intent that we may make like answer therein accordingly, signifying the same unto us with all convenient diligence.

Given under our signet, at our Manor besides Westmynster, the 27th day of January.

Endorsed—

To the right reverend father in God,
our right trusty and right well-be-
loved Counsellor, the Bishop of Wyn-
chestre, our ambassador with our most
dere beloved brother, the Frenche
King, and our principal Secretary.

Number CCLVIII.

Original letter from Ghinucci and Benet to the King, detailing the tactics of the Imperials, and recommending a new form of Commission to be sent for Carne; written February 8, 1532.

Vitell.
B. xiii.
fol. 147.

SERENISSIME et potentissime Domine Rex, Domine noster supreme, felicitatem [in Domino sempiternam].

Post reditum Reverendi Domini Gulielmi Benet, propinquante consistorio [septimi diei Februarii] quod finem terminumque dilationi nostræ imponebat, adversarii sedulo [instabant, quemadmodum] percipere potuimus. Instructiones hujusmodi super hoc fundabantur, [quod excusatoris litteræ] vim mandati non habebant, et propterea excusatorem nullatenus [debere admitti].

Nos vero Pontificem nonnullosque Cardinales quos nobis expedire vis[um est, prout] excusator petierat, instruximus, quemadmodum ex præfati excusa[toris litteris Majestas Vestra] plenius cognoscet³⁰; insistebamusque ut omnino ea nobis facultas temporu[m] concederetur, ut juris]consulti secundi nominis possent huc commodius accedere; et in hac re, [magnâ diligentia] profecto usi fuimus. Heri super propositione a nobis ab adversariis [allegatâ, Cardinales] longam in consistorio discussionem habuere. In quâ, sicuti accepimus, [a Cardinale de Monte] ad quem primum spectat votum, plurima in sententiam nostram admodum fu[ere dicta] a multis aliis autem quamplura adversus nos dicta sunt. Verum quia An[conitanus consistorio] non interfuit, nihil determinatum est. Decrevit enim Pontifex ve habere; et ita hoc mane illum, Reverendissimumque de Monte ad se accessiri jussit

³⁰ See State Papers, vii. 346.

[in arce Sancti Angeli, ubi aliquantum] temporis spatium commoratus est. Quum primum autem a Sanctitate suâ reco quæ nobis dixit ut Reverendissimum de Monte alloqueremur; ab eo enim quicquid fuerit, disceremus, subjunxitque constituisse omnino hujusmodi discus[sionem] quibus principium tribuat primus dies Veneris quadragesimæ³¹

Imprimis illas disceptandas esse, videlicet,—Utrum excusator sit [omnino admittendus] et an excusatoris litteræ mandati vim habeant; ex quo conjicimus Ad[versarios maximo] conari studio in hujusmodi literis rejiciendis. Et hâc viâ excusator [nullatenus admittetur] sicuti Majestas Vestra uberime ex Domini excusatoris litteris cognoscet. Nos a[utem agentes] pro dilatione obtinendâ, quâ secundos hosce advocatos habere possi[mus, intentatum] nihil reliquimus. In quo Pontifici ceterisque Cardinalibus quum hos paucos dies ad incipiendas disceptationes fol. 147 b. quemadmodum Majestati Vestræ superius diximus. Percipimus, animadvertimusque, [Ad]versarios nostros maxima contra nos fundamenta facere, ut literas hasce nostras [e]xcusatorias rejiciant.

Quapropter nostra, advocatorum nostrorum et cujuscunque [M]ajestatis Vestræ amantissimi sententia esset ut illa novas omnino mitteret litteras quæ deffectus harum quas habemus supplerent. Hos autem deffectus et [A]dversariorum fundamenta ex ejusdem Domini excusatoris literis copiosius Majestas [Vest]ra intelliget; Si vero per præsentem tabellarium hujusmodi litteras ad nos [ce]lriter destinaverit, tempestive quidem venturas arbitramur. Interea [nos] curabimus disceptationes has protrahi; Litterasque si minus fieri [po]terit, nullo pacto ostendemus nec nisi coacti patefaciemus. [B]ononiam Sænasque pro habendis huc Jureconsultis omnino mittere decre[vi]mus, hâc mente ut si illi tempestive venerint, optimum fuerit; [sin] aliter eo nos excusabimus quod ita tractati fuimus ut nullos Ad[vo]catos habere potuerimus, licet per nos omnis diligentia facta fuerit; [cont]rariamque oppinionem et calumniam excludemus quibus nos tota hæc afficit [c]uria,

³¹ February 16, 1532.

quod nullâ videlicet pro habendis huc Jureconsultis diligentia
usi [sumus], et per nos allegata ad excusationem simulationem-
que tendunt. [Et optime] valeat Majestas Vestra. Cui nos
humillime commendamus.

[Romæ] die 8 Februarii M.D.XXXII.

Ejusdem Majestatis Vestræ

Humillimi servi

HIE. EP^{us} WIGORNIEN.

[W.] BENET.

Number CCLIX.

A Postscript to the letter of February 8, written February 11, 1532, by Ghinucci and Benet to the King, and sent by the same post with it.

POST hactenus scripta, Pontifex, instantibus Cæsarianis, Vitell.
 qui de delibera[tione per disputan]di modum per Sanctitatem B. xiii.
 suam, Anconitanum et Cardinalem de Monte factâ, mag[nopere fol. 148.
 indignan]tur, jussit ad se eosdem Anconitanum et Cardi-
 nalem de Monte coram Cæsarianis ora[toribus accersiri] et
 tandem post multas exclamationes³², quas ipsis auribus et nos,
 et cæter[i qui extra] Cameram erant, ad unguem intellexerunt,
 Cæsarianos remisit. Nos vero voc[avit ad audiendum om]nes
 has Cæsarianorum querelas, et quantum elaboraverit in delibera-
 tione h[ujusmodi contra] eos sustinendâ; et quod opus prope-
 modum fuit Anconitanum Advocati nostri [partem suscipere,]
 exposuit. Nobis deinde dixit ut eâ quâ ordinatum fuit formâ
 disceptare [in Concistorio] pro libitu nostro proponeremus; adeo
 ut tantam liberalitatem mirum in modum m

Hæc autem omnia Majestas Vestra ex Domini Doctoris
 Kerne litteris uberius cogn[oscet. Quam] optime valere
 optamus.

Romæ, die 11^a Februarii M.D.XX[X.II].

Ejusdem Majestatis Vestræ
 Humillimi servi

HIE. EPS. W[IGORN.]
 W. [BENET.]

Endorsed—

[Serenissimo et Invictissimo] Principi,
 Domino Angliæ [et Franciæ Regi
 Illustri,] Fidei defensori, Hiber-
 [niæ Domino, Dom]ino nostro su-
 premo etc.

³² See State Papers, vii., p. 348.

Number CCLX.

The Pope's letter to the King requesting aid against the Turks ; written January 4, 1532.

Raynald,
tom. xiii.
p. 241.

REGI ANGLIÆ.

CHARISSIME in Christo fili noster, salutem et Apostolicam Benedictionem. Reversus nuper ex Jerusalem, quo voti et devotionis causâ erat profectus, venerabilis frater Marcus Grimannus patriarcha Aquileiensis gravi et formidoloso nuncio animum nostrum perculit: retulit enim nobis ac venerabilibus fratribus nostris Sanctæ Romanæ Ecclesiæ Cardinalibus, quod cum ipse in reditu Constantinopoli transiens Aloysium Gritti Venetiarum ducis filium, qui apud Turcarum tyrannum, atque apud eum omnia moderantem Ebraym Bascia, maximâ auctoritate pollet, convenisset, illum certissime sibi affirmâsse et Venetias nuntiare jussisse, ipsum Turcam numerosissimam classem, duos maximos exercitus apparare, ut proximo vere cum his ad damna Christianitatis erumpat: quorum quidem alterum terrâ ipsâ ducturus, alteri maritimo dictum Ebraym præfecturus, et ad invadendam Italiam missurus sit. Quibus etiam illud adjectum est, ipsum Turcam cum Sophi Persarum Rege novâ amicitia ita esse connexum, ut nihil ipse in bellum Christianum intentus ab eo timere possit. Deinde autem paucis interjectis diebus subsecutæ sunt multorum literæ ex Constantinopoli idem confirmantium, et terrorem maxime augmentum. Hæc, fili charissime, non magis ex ipso iudicio, quam ex præteritis apparatibus, et summâ hostis potentiâ atque in nos odio, timere cogimur, ne tam sæpe nunciata, ut futura, fieri aliquando videamus quando ad tot et tantas hostis potentissimi minas et apparatus omnes torpemus, nihilque præter moram et cunctationem objicimus.

Convocatis itaque statim ad nos ac eosdem fratres nostros tuis et reliquorum principum oratoribus, et de totâ re plene edoctis, illos omnes hortati sumus, ut ad suum quisque principem scriberet, et in communis salutis defensionem aliquando

susciendam ex Dei et nostrâ parte requireret et hortaretur : quamquam quid hortatione jam opus est? frustra enim hortando ac monendo jam biennium consumimus, nec quemquam nisi clade acceptâ crediturum videmus : alius fidem parum habet, minus timet alius se a periculo remotissimum, alius postremum in periculo arbitratur. Ergo hostes Christi ad oppugnandum fidem Christi consentiunt, fideles Christi ad defendendum consentire non possunt, nihilque nos nec Dei respectus, nec communis salutis et honoris ratio permovet. Subdamus igitur colla jugo, pro Christo Mahometem recipiamus ; quin inter nos ipsos acres et validi, adversus Dei hostem torpemus. Quod quanto cum dolore, fili, dicamus non possumus verbis exprimere, cum temporibus nostris Christianam virtutem vigere si quando antea, pietatem autem plusquam unquam alias refrixisse videamus. Itaque etsi operam perdidimus hactenus, non tamen silebit nostra vox ad extremum usque, testesque et has et alias complures literas habebimus, nos nostrum in hoc officium nunquam prætermisisse. *Domine tu scisti : justitiam tuam non abscondi ; veritatem tuam et salutare tuum dixi.* Quid aliud agere potuimus, quam quod egimus? omnes privatas rationes publicis posthabuimus : nostras clades et injurias Deo condonavimus : cunctas opes, vires, auctoritatem nostram obtulimus, et ad salutem Christiani populi conferemus : ne vitæ quidem nostræ parsuri nusquam sumus, dum in commune aliquid consulamus.

Te igitur, fili charissime, quod et cum cæteris principibus egimus, ex pastoralis officio ac personâ denuo monemus, hortamur, obtestamur et rogamus, ut tuo officio, honori, pietatique satisfaciens communem defensionem, in quâ etiam tua includitur, pro tuâ virili suscipias : et quoniam dies abit, nec jam consultationibus, sed factis opus est, ut quodcumque opis in commune conferendum duxeris, quamprimum conferas ; celeritate enim opus est, eâque permagnâ, si modo salvi esse volumus ; hostis enim totum biennium in apparatusibus consumpsit ; nos toties ab illo excitati in Rhodo, in Belgrado, in Hungariâ, in Viennâ, adhuc obdormimus : quamobrem nisi ad commune incendium restinguendum cito accurrimus, omnia ad certissimum interitum prolabantur. Recordare igitur, fili, majorum tuorum gesta, quibus tu in gloriâ et pietate non modo successisti, verum etiam anteisti ; siquidem Romanam

ecclesiam olim adversus schismaticos armis, deindeque fidem catholicam contra hæreticos scriptis, tutatus es, fideique defensoris titulum omnibus humanis titulis illustriorem promeruisti. Nunc non solum Ecclesiæ et sanctæ fidei, sed cunctæ prorsus Christianitatis ac tui etiam regni defensio suscipienda a te cum cæteris est; si illam gloriam tunc appetisti, appete nunc hanc longe majorem: quamquam non jam de gloriâ, sed de salute certamus; is enim est hostis, qui totius Europæ dominatum conceperit animo, quique Arabibus, Syriis, Ægyptiis ad suam ditionem adjunctis pari jugo servitutis universam Christianitatem subdere conetur.

Itaque si Italiam (quod veremur et horremus) occupaverit, nequaquam temperabit a reliquis, sed more validi ignis, primis quibusque correptis, ad ulteriora pervadet. Primi, primi inquam, aditus huic obstruendi, prima repagula sunt objicienda; his enim refractis, hostem intra viscera acceptum ægre repellere poterimus, nullaque tam remota regio aut angulus tam abditus miseræ Christianitatis erit, qui a communi exitio et clade immunis ad postremum sit futurus. Quod si, fili, vel tutissimum tibi regnum vel viæ longinquitas, terræ interjacentes, mare circumfusum præstarent, an tu Christianus Rex Christianis opem contra Christi hostes denegabis, solusque proprium officium, communem rempublicam deseres? non est pietatis nec magnitudinis tuæ, ut putemus, te Deo et sanctæ fidei, communique saluti deesse, aut a publicâ causâ per humanos affectus avocari unquam posse; novimus enim tui animi celsitudinem, religionem, probitatem, ac nos quidem hoc quod petimus eo justius a te et cæteris impetrare meremur, quod non privatis commodis, aut honori nostro proprio, cui tamen tua serenitas, ut speramus, non deesset, sed Dei honori, Christianæ fidei, periculis omnium fidelium arcendis, opem tuam et illorum imploramus, vestris etiam regnis privatim profuturam. Quamobrem si hæc tam pia nostra postulatio cum dicimus a te, a quo nihil non te dignum expectamus, sed ab aliis quibuspiam proprii officii et salutis oblitis contemnetur, tamen his nos apostolicâ voce denuntiamus vindicem Dei iram, ad cujus tribunal universi, qui effundetur, Christiani sanguinis reos se sciant esse futuros. Nos quidem ipsi omnis culpæ nos expertes Deo et hominibus probabimus; nihil enim quod in nobis fuit prætermisimus; denuntiavimus periculum,

ostendimus remedium, imploravimus omnium virtutem et pietatem; nec monendo, nec hortando, nec rogando unquam defuimus, neque in posterum sumus defuturi, omnibusque tandem frustra tentatis, ea etiam non prætermitemus remedia, quæ prædecessores nostri in tali casu pro Dei honore et communi salute adhibenda censuerunt. Tuam serenitatem, ut vicissim suc officio, honori, et pietati inserviat, nosque in hoc sancto labore coadjuvet, illam in Domino plurimum adhortamur, quemadmodum et confidimus eam esse facturam. Cætera super his latius cum tuis sumus oratoribus collocuti, ex quorum literis et nuntii apud te nōstri verbis ea particularius et diffusius tua serenitas intelliget.

Datum Romæ 4 Januarii MDXXXII. pontificatûs nostri
anno nono.

Number CCLXI.

The King's reply to the Pope's request for aid against the Turks; written February 7, 1532.

Vatican
Tran-
scripts.

BEATISSIME Pater, post humillimam commendationem et devotissima pedum oscula beatorum. Breve, quod quartâ die elapsi mensis Vestra Sanctitas ad nos dedit, accurate perlegimus, ex eoque intelleximus quantâ animi sollicitudine nuncium illud de Turcico apparatu ipsa nuper acceperit. Hortationes vero, quibus ad tantam perniciem mature avertendam apud nos utitur, sic accepimus, ut quemadmodum toti Christiano orbi, nedum Sanctitati Vestræ, testatissimum manifestissimumque esse putamus, nihil unquam in Christianâ defendendâ fide, in Apostolicâ conservandâ sede, Turcæque apparatibus repellendis, officii vel operæ a nobis hactenus prætermisum denegatumve fuisse (quarum actionum cogitationumque nostrarum, præter homines, ipsum quoque Deum lucupletissimum testem habemus) ita ex animo gauderemus, si nostri labores sumptusque et merita, quæ in Christianam juvandam rempublicam totiens antea contulimus, majori cum fructu præstita extarent, nostraque hæc pietas et officium omnibus quam multum profuisset in commune. Consilia autem nostra omnia sic posthac cum Deo disponemus, ut Divinam ipsius Majestatem elementissimum potius judicem, quam iratum vindicem, conatibus nostris adfuturam confidamus, et (utcumque cesserit rerum eventus) sedulo curabimus, ne suo loco aut tempore religiosi Christianique Principis officio in fide Catholicâ tuendâ, a preclarissimis et optimis nostris parentumque nostrorum institutis unquam defecisse dicamur.

Ad id autem, quod Sanctitas Vestra imminentium malorum (si quæ acciderint) culpam omnem et occasionem tum in nos, tum in alios Christianos Principes, transferre velle videtur, quodque tam ardentem vehementissimisque adductis rationibus subsidium opemque nostram ad Turcicos reprimendos apparatus postulat, priusquam irreparabili excidio inter Christianos

prorumpant, etsi arbitremur multis antea non obscuris indiciis, ex nostrisque super eâ re Vestræ Sanctitati jampridem communicatis consiliis, animum nostrum satis compertum perspectumque sibi esse; post maturam tamen consultationem nunc habitam, visum nobis est, iterum velle nostram mentem consiliumque nostris apud Sanctitatem Vestram Oratoribus super his rebus omnibus declarare, id quod impræsentiarum diligenter fecimus, mandantes ut Vestræ Sanctitati omnia copiosius ac distinctius nostro nomine exponant; rogamusque nos ut hanc nostram mentem æqui bonique ipsa consulere velit, ac referentibus illis certam indubiamque fidem adhibere. Quæ diutissime ac felicissime valeat.

Ex regiâ nostrâ Grenwici, die 7 Februarii, 1531.

Ejusdem Vestræ Sanctitatis

Devotissimus atque obsequentissimus filius, Dei gratiâ,
Angliæ et Franciæ Rex, fidei defensor, ac Dominus
Hiberniæ,

HENRICUS.

Sanctissimo Clementissimoque Domino nostro Papæ.

Number CCLXII.

Original letter from the King to Gardiner, directing him to propitiate the French King, and excite him against the Emperor; written February 9, 1532.

By the King.

HENRY R.

Addit.
MSS.
25, 114,
fol. 71.

Right reverend father in God, right trusty and right well-beloved, we greet you well; and have received your sundry letters of the 27th and 28th days of January, declaring as well your mind and advice, touching our proxy sent unto Rome by Mr. Bonner, as also the delays and impediments of your so long abode there, without any resolution or communication had with the king our brother, or his counsel, concerning the material points of your charge; signifying also unto us the receipt of our letters despatched unto you by your servant Cromwell, and all other sent from us since your departure, with such other news as were at that time there occurrent, for the which your diligent advertisement in the premisses we give unto you our most hearty thanks: advertising the same, that, as touching the said proxy, noting and approving very much your singular wisdom, sincerity, and judgment, in the defaults thereof, and conferring and debating the same with our learned counsel, we have not thought it much necessary to alter anything therein, for this time, but to defer the declaration of our further pleasure in that behalf until your return unto us, and unto such time as we shall be advertised from Rome, whether they shall doubt anything there of the sufficiency of the said proxy, or no. For our said counsel here affirmeth unto us, that, notwithstanding the protestation, and that no mention is made *de causâ principali*, neither that the instrument is sealed with our own seal, yet there is no cause why they may lawfully reject the same. Our counsel saith that they at Rome may peradventure doubt of the validity thereof; albeit, to remove that doubt, they say

fol. 71 b.

that the proxy, sent at Easter last, being sealed with our own seal, is sufficient enough. And, in case it be not, they further say, that they there be bound to signify again unto us the causes of their said doubt, to be opened and declared again by us, before they shall proceed any further; which delay of tyme we think can be nothing prejudicial to our cause, but rather to serve and conduce to the singular benefit of the same.

Furthermore ye shall understand that conferring and communing here divers times with Monsieur Pomeray our said brother's ambassador, specially touching our affairs and our good brother's affairs, so far as we in the said conference can note and gather of the said Pomeray's words, we perceive plainly that the king, our said brother, *is not only of singular good towardness and propension* to agree and condescend unto us in all those things which ye have or shall on our behalf move unto him and his counsel, but also that the displeasures and injuries sustained by our said good brother at the emperor's hands be yet so fresh in his remembrance, as he can not, not only forget the same, but considering therewithall the emperor's inordinate appetite in aspiring to the whole monarchy of Christendom; and his handling of all matters otherwise than appertaineth to equity and justice, *fol. 72. miro odio Cesareis, prosequitur*, and daily is glad to excogitate ways and means how to work the said emperor displeasure, and to let as much as he may his intended purposes. Wherefore we require and pray you that at your next repair unto our said good brother's presence, ye say unto the same, that we, being advertised by the said Pomeray to our singular comfort, not only of the continual increase of his goodwill, friendship, and amity towards us to the good satisfaction of all our desires, but also of his most wise, discreet, and princely regard and respect towards the emperor and his proceedings, we may not but most highly rejoice therein, knowing certainly how much the remembrance of the emperor's said doings shall at length confer not only to the advancement of both our affairs, but also to the commodity of the public weal of all Christendom, and the avoiding of such manifold inconveniences as might thereof ensue, if thereby his said enterprises may be let and withstood.

In communing whereof ye shall say unto our said good brother, that we have also now of late been informed how that the emperor, being in utter despair to atchieve his purposes in Germany otherwise than by relenting and giving place unto the princes there, is utterly determined to con-
 fol. 72 b. cende³³ and agree with the said princes in all such articles as they shall demand and require of him concerning the ceremonies of our religion and the reformation of the Pope and divers other; and that he laboureth now as much as he may by fair means and large promises to overcome them, to the intent that they by resisting the election of Don Fardinando, and otherwise not defacing his glory ne empeching his enterprises, but suffering him without contradiction to mould and work all matters as may serve for his said purposes, he may at length not only compel them to bow and stoop to his will and pleasure, but also more easily thereby constrain other princes of Christendom to do the semblable. And therefore our mind and pleasure is that ye shew unto our said good brother how that we have thought it very requisite to signify the same unto him, and to advise and counsel him to address eftsones his letters unto the said princes exhorting them to persist and continue still in their confederation. And having us and our said good brother assured unto them to maintain all their just quarrels against the said emperor, not to relent unto him upon any his fair words and promises, and to consider *etiam atque etiam* how the emperor, only for the increase of his glory and the better compassing of such things as he intendeth, seeketh ways and means how for a time to stay them, intending nevertheless immediately after to take some occasion with his honour, upon some one pretence or other to return again and break all
 fol. 73. his former promises made unto them. And will say peradventure, for his defence in that partye, *quod fides non est servanda hæreticis*, ne that he could by the law conclude anything with them which might seem to be prejudicial to Christ's religion, or the hurt or detriment of the state of the see apostolic. Advising therefore the said princes for avoiding thereof in no wise to agree to the said emperor without the

³³ A mistake of writing for *condescend*.

consent of other indifferent princes, but to hold together and not to be overcome with any his fair words or promises set forth only under the visage of friendship and simple truth; and indeed tending to none other end but to compel them finally to be in right and wrong at the emperor's commandment; which thing for ever after should be to their great dishonour and singular derogation of the authority and liberty *tocius nacionis Germaniæ*, and to the notable reproach and ignominy of the ancient nobility of the same.

In conceiving of which letters in such sentence as the said princes may be thereby induced never to relent or give place to the said emperor, ne agree with him upon any conditions without our and our good brother's express consent, we require you to give your advice and counsel. And for the expedition of the same, to be sent by our servant Pachett, if he be not already departed, or some other to be depeched by our said good brother unto the said princes, our pleasure fol. 73 b. is, ye solicit with all diligence.

It is also signified unto us, which our pleasure is ye shall in like manner declare unto our said good brother, that the Duke of Vorttembrige is restored again to his dukedom, which ye may say we cannot yet perfectly believe, forasmuch as we have not been advertised thereof from our said good brother whom we know to be so assured friend to the said duke as we think he cannot be restored without his help and knowledge; which notwithstanding, if it be true, ye shall desire our said good brother to declare unto you the manner and fashion of his restitution, and by whose means he is restored, to the intent by your next letters ye may signify the same unto us. Ye shall furthermore understand that being advertised that Don Fardinando and King John of Hungary have referred the whole determination of the right and title of that realm unto the judgment of the King of Pole, and have put in his hand and custody two of the strongest holds they have, for their pledges to abide his sentence in that behalf, we have thought good to write unto the said King of Pole, commending him for his virtues, and desiring him to make such end therein as may be to the common wealth and quiet of Christendom; as by a copy of the said letters which we send unto you herewith ye shall perceive; which our pleasure is ye shew unto our

fol. 74. good brother. And that ye say unto the same that albeit we have thought good to write the said letters as is expressed, yet our mind is not to send them furth unless it shall be thought convenient to our said good brother we should so do. And that he will also address his letters of like tenor to the said king, which in case ye shall perceive him minded to do, then our pleasure is that, soliciting the expedition of the same, ye shall cause them to be conveyed together with our letters to the said king.

Finally, ye shall know that we have received letters from John, King of Hungary, sent by his secretary, one Andrewe Corsyn, who repaireth now unto you with our letters and answer again by mouth unto the said king his master. The copy of which our letters, with two other packets directed to our ambassadors with the Pope and the emperor, and the copies of all the said despatches we send here unto you, requiring you not only to communicate the contents thereof unto our said good brother, but also diligently perusing the same in case ye shall think there would be anything added thereunto, ye do supply it, according to your wisdom, by your letters to be sent to our ambassadors in either court; and to cause also your said letters with our said packets to be sent by some of our good brother's currors or posts, according to their directions, with all diligence possible.

fol. 74 b. Ye shall also understand that having received according to your letters by the hands of the said Pomeray, as well the Bishop of Angers' letters unto our good brother as his answer again unto the same made concerning the subsidy by the Pope required against the Turk³⁴, our pleasure is ye shall say unto our said good brother that we do much approve and allow his high wisdom and good circumspection declared in the same, and do suppose verily the said answer could not have been more prudently, wisely, and effectually conceived.

And also forasmuch as it is long passed sith we did see our said good brother's person, and being much desirous to have the portraiture of the same, in that form and favor that it now is, specially considering that few years do always change a man's countenance, we will and desire you to procure and

³⁴ See letter, Jan. 24, 1532.

get unto us not only the same his portraiture and picture in most like, best and curious fashion, but also the images and portraitures of our said good brother's children, which to behold shall be always unto us great rejoyce and comfort.

Given under our signet, at our manor of Greenwich, the 9th day of February.

Post scripta.—Ye shall understand that the 8th of this ^{fol.} 75. month arrived here with your letters our servant Pachet. And forasmuch as we think it convenient that, maturely digesting the contents of the same, ye should again receive thereunto such answer as should be thought good to us by the advice [of] our counsel, the debating whereof ye know will require some time. We therefore having this despatch in a readiness do now send the same unto you, to the intent ye may before the receipt of our answer to your said letters, which ye shall have within these two days, treat with our good brother and his counsel such things as be in this despatch contained.

Endorsed—

To the right reverend father in God our
right trusty and right well-beloved coun-
sellor the bishop of Winchestre our princi-
pal secretary and our ambassador resident
in the court of Fraunce.

Again (in more modern hand)—

To my lord of Winchester, ambassador in
France, the 9 of February, An. . . . From
the kinge.

Number CCLXIII.

Original letter from the King to Gardiner, written February 16, 1532, directing him how to act at the French Court with reference to the affairs of Scotland and Germany.

By the King.

HENRY R.

Addit.
MSS.
25, 114,
fol. 76.

Right reverend father in God, right trusty and right-well beloved.

We greet you well. And have received your sundry letters of the second, the third, the eighth and the ninth of February, with your *postscripta*, and the double of Monsieur Lange's instructions, delivered unto us by our servant Pagett, and Henry Fraunces and Cromwell your servants. And forasmuch as by continue of the first letters we perceive of the conference had, the first day of this month, between the king our good brother, the great master and you, consisting specially in these points; first, how much they engreave the taking of the Scottish ship, and intercepting of the letters, with your answer thereunto, and the causes why ye have not thought it convenient to shew or deliver the said letters according to their directions; secondly, how they, by the marriage of their daughter to the King of Scotts, have intended nothing, but only thereby to interrupt the emperor's purpose; and that they will nevertheless conclude nothing therein without our special consent; thirdly, how much expedient they thought it that some man were depeched with all diligence into Germany; and what they were determined to do in that behalf; fourthly, how much they laboured to induce you to be plain, frank, and open in uttering unto them the very effect with the circumstances of your charge.

We give unto you our most hearty thanks for your most discrete, wise, and politic handling and conducing of our causes, and your diligence used in advertising us thereof with

such spede; doing you further to understand, that in all your conferences and communications with the said king and great master, our mind and pleasure is ye order yourself towards them after this sort. And as concerning the first, like as we have declared unto you in our former letters the very occasion which moved us to send our servants unto the sea, and their demeanors used in taking of the Scottish ship, which indeed was without any such cruelty, extremity, or violence in taking from them anything of so great value as they reported unto you, the truth whereof shall evidently appear unto you by the testimonial which we send here in- fol. 76 b. closed. And, on the other side, not only the cruel dealing of the said Scotts towards our subjects, in casting out wild-fire and artillery upon them, wherewith divers of them were hurt and maimed, but also the suspicious fashion in fleeing and casting their letters only over the board, which thing, as may easily be perceived by the said letters, was not for that they thought our servants were imperials, as you wrote in your *postscripta*, but for that they had commandment of the secretary rather to cast them into the sea than they should come to Englishmen's hands; which things, expeded as they ought to be, should be a reasonable defence, so as there ought not to be arected to our servants for their so doing any so great blame as is there pretended.

Even so we require you in all your conference with our said good brother, and great master, ye extend and dilate the same to the uttermost, after the very same sort, and with so fair words as ye have done heretofore, saying furthermore, as of yourself, that it is far from the office of a very perfect friend, either to give more faith unto the report of strangers, being the same utterly feigned and untrue, than to the very truth delivered unto them by your mouth, on our behalf, or to interpret our doings therein to have proceeded upon any suspicion of their processes specially syth we signified the same again unto them *tam ingenue et amice*, how the said letters came into our hands only by chance, without any our searching or purpose to intercept them, being also the same not directed unto the king our brother, but to the Duke of Albany only, and to certain other private men whom we knew not.

Truth it is that the perfect love which we have to our good

fol. 77. brother hath not suffered us hitherto to suspect any of his doings or practises, where and with whom soever they have been made, notwithstanding the manifold occasions given by them unto us to the contrary, and specially at this time, in concealing so long time their purposes intended with the King of Scottes, the which to disclose and participate unto us they have been so many times required on our behalf. Albeit, having so vehement and urgent cause, ministered daily unto us, to suspect all the doings of the King of Scotts, whom we perfectly know to contrive and seek means continually to invade our Realm, and to make himself Prince of England, and Duke of Yorke; we trust our good brother will not require of us that for his sake we should not seek all the means we can, either by espial or intercepting of his letters, to decipher all his proceedings and attempts, to the intent that, foreseeing the same, we may the better draw ourself to resist the malice thereof, but will rather approve and commend our doings therein, as proceeding of wisdom, and not of any jealousy or suspicion of our said good brother's sincerity towards us.

And whereas ye write in your said letters how they intend to sue unto us for restitution of six thousand corones which they surmise that our subjects should take from them, and for due punishment also to be done upon our subjects for their offence in that part, in the examination whereof, the truth of everything shall evidently appear; and we being credibly informed that our said subjects hath indeed ordered themselves otherwise than may be well justified for their part, shall see due redress therein according to justice; our mind is not that ye shall as yet engreave unto the king or great master, their
fol. 77 b. light suspicions and unfriendly dealings with us in this behalf, but with dulce and pleasant words pacify their displeasure, if any such be, so near as ye can, which we trust ye shall now facilly attain, considering the king our good brother and great master hath made so light of the deliverance of the said letters, and the duke himself, as ye write in your letters of the 8th of this present, is well satisfied with your answer and sight of our letters in that point. Albeit, in case ye shall not be able so to do, by any such ways, and they, persisting still in taking the same displeasantly, shall require of you to exhibit

and deliver unto them the said letters, considering we have no good pretence to detain the same letters from them any longer, and that the very copy thereof shall be sent unto them from the secretary, whereby they shall soon conjecture what is for our part specially to be noted therein, and they can think us so destitute of common prudence as we would not mark that which toucheth us so highly; then our pleasure is that ye deliver the same letters, even so as they be interlined and noted in the margin, unto the king our said good brother and great master, or else by their commandment unto the Duke of Albany, and to leave it to their affections how they will take and interpret our doings therein, which we would they should utter now frankly rather than by dissimulation and under pretence of amity to put us in further hope of more friendship than indeed they bear in their hearts towards us.

And as touching the second point of your letters, whereas they have premised that the gentleman which they intend to send now into Scotland with instructions for the said marriage shall, in his passing thither, first come and participate unto us all his said instructions, unto whom, after we shall have perused the same, we shall, by the advice of our counsel, make such fol. 78. answer as shall then seem best unto us; nevertheless ye shall understand, that considering it to be very expedient to communicate our mind and pleasure therein unto our good brother's ambassador here resident, before the coming of the said gentleman, we have caused our right trusty and right entirely well-beloved cousin and counsellor, the Duke of Norfolk, accompanied with other of our privy council, to break with him thereof, and to say as of themselves, without any our knowledge or commandment so to do, how that although neither we nor any other of our secret council, whom we use to make privy unto all the proceedings between us and our said good brother, could conceive any scrupule or doubt of our good brother's integrity and sincereness of amity towards us, yet diverse other noblemen of our realm, to a great number, being also of our grand council, understanding not only the ungodly demeanors, wrongs and injuries used and attempted daily by the King of Scotts against our subjects, but also the great courage and boldness which he hath now conceived, upon hope of this marriage to be concluded between him and

our good brother, not fearing openly to boast and say that he will spend his life against us in the defence of his right, concerning that one piece of land which is now in controversy between him and us, had now of late most humbly required us to forsee the inconvenients that might follow hereof, as well to us as unto them and the rest of our subjects, and in time to descipher the king our brother's intents and purposes in that behalf, and as much as in us was to empeche and utterly to break and interrupt the same, adding hereunto that in case the king our good brother should condescend unto such marriage, the like whereof hath never been seen between the daughter of Fraunce and the King of Scotland, it was then verily to be thought and judged that there was on the behalf of our good brother some notable thing, and of some great consequence intended thereby, otherwise than the perfectness of the amity between us and our deserts towards him did require.

We caused them also to shew unto the said Monsieur Pomeray, how that we replying unto them that we might not conveniently require our good brother to relinquish his old ancient friend the King of Scotts, the said noblemen of our grand council answered thereunto, saying they trusted verily that the French king would make no such answer, but would rather therein take ensample of us. And like as we, having then neither the cause of our matrimony in euvre, ne any other matter of importance, the pursuing whereof might in any wise return to our commodity; and nevertheless, for the king our brother's sake only, and when he was in captivity and extreme danger, relinquish and forsake our ancient friend the emperor; and that at such time as when he was in his most hight triumph and victory, and most of power, and hable to do unto us either hurt or pleasure, so the king our good brother, being required of us, would never refuse to forsake the alliance of the King of Scotts for our sake, by which alliance he should never attain any great profit or honor.

All which communication, with divers other things sounding to the same purpose, being thus uttered and declared by the lords of our privy council unto the said Monsieur Pomeray; forsomuch as we know well that he will by his letters signify the same unto the king our good brother and the great

master, we have thought good to advertise you thereof, to the intent ye may hereafter the better accommodate your doings and sayings thereunto, and that ye may the better conceive our whole mind therein, ye shall understand, that considering on the one side how the malice of the said King of Scotts, *et vindictæ quod cupiditas* daily increaseth in him towards us, after such sort as there is like to ensue, and that shortly, great discord, variance and hostility between us and the said king, like as ye shall perceive by the copy of certain letters sent to the Lord Dacres, which we send unto you herewith, to the intent ye may declare the effect thereof unto our said good brother and his counsel; and, on the other side, how much desirous we be to remove and take away all occasions whereby that perfect love and sincere friendship between us and our good brother might be in any wise impaired or diminished, we can in no wise be induced to consent that any such alliance or so strait amity should be contracted between our said good brother and the said king.

And to the saying of the great master unto you herein, viz. that it were much better for us that the king our brother had the King of Scotts than the emperor, ye shall answer that we be of much other mind and opinion, and had rather indeed that the emperor, whom we repute not in the number of our perfect friends, should take the King of Scotts, being in heart vowed and determined to be our enemy, unto his friendship and alliance, whereby we should lose nothing, than the king our good brother should take and receive him into his friendship, whereby we shall be assured to retain still our enemy, and, nevertheless, should lose, or at the best be in doubt of the friendship of him, that is now assured friend, and in whom is our special trust and confidence. And in case, peradventure, they shall reply and say that whereas the King of Scotts offereth unto them the said marriage, they can in no wise honorably refuse the same, unless they should seem to cast away their old friends, ye shall thereunto answer, that there be divers honorable pretences whereupon they may with their honor both delay and refuse to agree unto their said offer; and if there were nothing else, yet they might answer unto the Scotts and say,—Would you we should contract amity with you, whom we know certainly to nourish and foster in

fol. 8o. your breasts most unnatural and ungodly malice and rancour towards your natural uncle, and our most assured and perfect friend, the King of England, attempting and seeking daily means contrary to all laws and princely honor to disturb and unquiet his realm and subjects, to invade his dominions, to pretend light and fained titles to some part of his corone, and to go about under colour thereof most wrongfully to move war against him?

And why should not our good brother (being the King of Scotts' friend) rather exhort and advise him in all that he may, first to expel and clearly to put away his said rancour and malicious affections towards us, declaring how the same at length must needs redound to his own confusion, and afterwards to endeavor himself to his possible power to redubb and make due redress for all such wrongs and attemptats as hath been done by him or his subjects against us. And so finally answer, that until the same be perfectly attained, our said brother being so conjoined already with us in love and amity, as for no man's sake or friendship he will do anything whereby the said amity may be dissevered, or diminished, in any the least degree; neither can ne will enter any such alliance with them as they desire, neither put any trust or confidence in their friendship and amity which did thus unkindly with their own natural uncle, and to make any refusal of their offer upon this or any such like ground, we think may stand well with the king our brother's honor; so as he shall not seem therefore to cast away his old friends. Ne it is our mind or desire they should so do for our sake. For it should not much displease us that they retain the Scotts still in the same room, place and degree of amity which now of old time hath been between them. fol. 8o b. Marry, we cannot be contented, considering the state of our causes, that they should go about to confirm, ratify and increase the same, by this new marriage, whereby we know well that the Scotts intend nothing else but to enter, contend and obtain of the king our good brother some other more strait and assured amity than was ever heretofore contracted between them.

Wherefore, at your next access unto the king our good brother's person, if he or the great master shall perchance move any communication of the said alliance unto you, after

our most hearty thanks unto the same for that they have promised nothing shall be therein concluded contrary to our mind and pleasure, we require you to set forth, by your wisdom, the effect of this our mind, with so good words as ye shall perceive may be most agreeable to their affections.

Furthermore, touching the third point of your letters, declaring of what mind and resolution our good brother and his council be concerning the affairs with the princes of Germany, which we have also more at length perceived by your last letters, and Monsieur Langie's instructions, ye shall understand that we utterly misliking their cold, inconstant and indiscrete dealing therein, and especially in conceiving the instructions under that sort as they be, and contrary approving much your singular wisdom and good diligence used in opening unto them the defaults of the same, with your answer thereunto couched after that sort, and so agreeable unto our mind, as we cannot devise the better or add anything thereunto, fol. 81. we desire and pray you that, prosecuting still your said answer, ye endeavour yourself, in all that ye may, to induce them to reform and alter their said instructions according to the purport and tenor of ours delivered unto our servant Pagett, not omitting to open and declare unto them, in most ample wise, how little good effect can ensue unto us, or our good brother's affairs, by aiding of them with our money after that fashion and manner as is by them devised, without any recuperation for our benefit, or without binding them to do and attempt any act against the emperor for empeching of his purposes. And as unto that they be determined to send Monsieur Langes unto the Duke of Bavarre with commandment not to speak with the Duke of Sax, or any other of the princes, unless the said duke shall think it good, ye shall shew unto them that we be utterly of this determination to send none other person for us unto the said princes but only our servant Pagett; and that the same shall use and order himself in all manners and fashions concerning his coming thitherward and declaring of his charge there, according to our last instructions given unto him, with your further advice in such things as ye shall think to be altered or added thereunto; nor we can think it in any wise to be expedient or honorable for us or our good brother to send our servants to the Duke of Bavarre only, but princi-

fol. 81 b. pally to the Duke of Saxe and commonly to them all in whose names the personages sent unto us and our good brother *quasi publici oratores ac nuncii publico et communi nomine ipsorum*; and declare unto us such charge as was committed unto them, on the said princes' behalf; for if the said Duke of Saxe, being chief elector and in power and authority far above all the rest, whose aid in these matters, specially concerning the newe election, should now avail and conduce to our purposes, then all the residue should seem now to be by us neglected and not entertained as principal, like as we have done heretofore; we should undoubtedly give him just occasion thereby to conceive such displeasure therewith as we should never be able afterwards to remove, to the utter subverting and disappointing of all our intended purposes.

And therefore ye shall desire our said good brother and his council that Monsieur Langes may have commandment to do the semblable, in all his proceedings there, as our said servant Paget shall be instructed there by you to do and execute in the said affairs; for, in our opinion, we shall with much more facility and more easily attain our enterprises by such means, than otherwise. And that for divers reasons, which of your wisdom ye can consider; and, in conferring there with them, we require you to recite and declare unto them with such efficacy as ye shall think may best serve to induce them thereunto.

fol. 82. And whereas we perceive, by your said letters, that the king our good brother and his counsel will be discontented with us if we should put over the matters of Germany without granting the sum by them required, which is fifty thousand coronas for our part, and that they would fain know, in all haste, how we were minded therein, ye shall understand that we, with the advice of our council, considering the causes expressed unto you in our letters of the 12th of January, and other notable dangers and inconvenients also, which of our said doings were undoubtedly like to ensue unto us and our realm, be utterly determined and resolved never to send either our said servant or else that sum of money or any other aid or contribution unto the said princes, unless our good brother will be content to capitulate and conclude with us, with what special aid, and what sums of money, ships, soldiers or artillery, he will be

contented to assist and succour for his part, in case the emperor by himself, his subjects, friends, allies, or other confederates, shall hereafter, not only for our said contribution, but for any other occasion, pretended matter or quarrel whatsoever it be, directly or indirectly, privily or apertly, invade us, or in any wise, by sea or land, trouble our servants, or interrupt such traffic and intercourse of merchandises as they now have in the parts of his dominions, or by arresting their goods within his dominions, will infer them any hurt, damage, or prejudice in times coming; and, finally, unless our said good brother will be content to capitulate with you in all other articles mentioned in your instructions, and afterwards in our letters sent unto you of the 12th of January, which we think not necessary to repeat here again.

fol. 82 b.

And in case they shall reply hereunto, and say that the princes of Germany, having enterprised their confederation only upon trust of our aid promised unto them by the king our brother in both our names, must needs fall unto the emperor, if they should be disappointed of the said aid, ye shall say that it shall not stand by us, if they be disappointed; for we have omitted nothing belonging to the office of a just and virtuous prince, for the due observation of all our promises made in any wise unto them by us, or in our name, concerning the said aid, or any other matter thereunto appertaining. We have now long sithen depeched our servant from us fully instructed and authorised to treat and conclude with the said princes as they desired us to do. We have offered to send presently unto them the sum of ten or twenty thousand corones, to be taken of our money due there, or else out of our treasure here, whichsoever we thought for assurance of our good will towards them to be as sufficient proof and testimony; specially for this time when they as yet had done no notable exploit against the emperor or Ferdinando. We have agreed, and condescended also, that the same money should be deposited in some sure place according to the princes' desires. And, further, have concluded therein that the same should be put and laid in the hands of the Duke of Loreyn, according to our good brother's device, and for that was thought the same to be most mete and convenient place for both our sureties, so as in the effectual observation of our

fol. 83.

promises no default or negligence can be arected unto us whether the said princes fall into the emperor's lapp again or no, but have been always most ready and glad to do all things for our part and to our power which might conduce to the letting and hindrance thereof; marry, to say that ever our mind was to do anything herein whereby the emperor might take any the least occasion to think that we, contrary to our promise and honor, had broken the league and amity made between us and him, unless ours and our good brother's force, strength and all our powers should be first unto us conjoined in one, according to such capitulations as ye have, to be declared unto him on our behalf, we think our good brother ne his council be of so little entendement or of so little good affection and zeal to the preservation of our estate and honor as they would think it or require it of us. We consider, among divers other things, with how much difficulty our ambassadors at Cambray could attain the ratification of the old treaty for intercourse of merchants; and therefore do facily conjecture how glad the emperor would be to seek all the occasions he can whereby he might utterly interrupt and break the same again, and nevertheless impute the default and rupturé thereof unto us; whereby what displeasure and trouble might ensue unto us and our realm, we have great cause to forsee. And, to say the truth, our good brother hath no less but much more cause to fear the dangers and inconvenients which may, for his part, fortune unto him. For he cannot enterprise this his aid to them so secretly but it must needs come to the emperor's knowledge. And being the same once known, we fear that his old league being made unto the said princes, without the special consent of the states of his realm, and not renewed by our good brother's time, and abolished, with new treaties made sith that time with the emperor, specially now last at Cambray, shall be too old a staff to lean unto and but a very feeble and weak ground to maintain his doings in that behalf. So as, in our opinion, the conjunction of both our forces in one before we enter any such contribution is a thing so necessary and requisite for both our weales and interest, and specially for our good brother, as the one of these purposes in aiding the princes of Germany may in no wise proceed without the other, unless we will subvert and

fol. 83 b.

ruinate the whole estate, weal and tranquillity of both our realms and subjects.

And as unto the overture made by the great master that the king our good brother should take upon him all the fol. 84. procurement and solicitation of these affairs with the said princes, and we should only allow secretly such sums as we were content to contribute for that purpose, ye shall understand that we can in no wise like the same, ne we can see to what purpose it should serve us; for in case they will enter such capitulations with you as we desire, ye shall say we shall be then no more afraid of the emperor than they be. And by our aid, given in our name expressly, and not by a mean person, unto the said princes, we may have the same more straitly bound again unto us for due reciprocation to be made for our benefit so oft as we shall have need to require aid again of the said princes. And truth it is that we cannot avoid in deed the danger of breach of our amity by that means, ne it could be kept so secret but that it should be known. In which case the secrecy should be for an argument that we in our conscience thought it not well done, and so encrease the suspicion and grudge, as ye justly have written in your letters unto us. And contrary, if they then will in no wise enter such capitulations, they shall be well assured again that we will neither admit that overture, neither do anything else in that behalf; like as we shall hereafter more at length declare unto you our pleasure therein.

And as unto the fourth article of your letters, considering fol. 84 b. we perceive by the same, and other sent from you sith that time, that the chancellor and great master, with other of the council there, hath somewhat entered and broken with you of what mind and determination they be concerning the form of these new capitulations to be now made, saying that what aid and help soever ye can imagine or require of them for our defence, they will most gladly agree thereunto, so as the same be not extended further than for the causes of Germany, and so as they may still remain friends unto the emperor, ne be bound to make him war for our cwn querell; offering also unto you, that if the emperor, for this cause of Germany only, should arrest our subjects' goods in Flaunders, the king our brother should then write unto the emperor for restitution,

and summon him for the same, continuing, nevertheless, all that time as friends unto the emperor; we think it very expedient, and therefore require you to be hereafter more frank and open in uttering unto them the very effect and particularities of our requests mentioned in our instructions and other advertisements sent from us sith your departure; using, nevertheless, such a discretion therein as they shall not now have any occasion to think that we do require the same for any our private necessity, but that the same ought to be provided for the common weal of us both, and as ye, by your wisdom, shall perceive the same may work and take good effect at their hands; for it may be that there is not in them so much want of good will to agree unto our requests as there is want of quickness of wit to take and conceive what we mean thereby, specially being the same, only in general terms and covertly uttered unto them. And because these their said offers as they be, with their conditions limited, be directly contrary to our chief and principal purpose declared unto you in our instructions, inasmuch as they refuse to move *bellum offensivum* against the emperor in case he should invade us, or cause us to be invaded, by any means declaring thereby that they would not capitulate with us to any good purpose against the said emperor; our mind and pleasure is that ye, nevertheless, in all that ye may, endeavour yourself, by your accustomed wisdom, dexterity and diligence, to bring them to some other certain resolution, for the good attaining of our desires, not doubting but that ye consider and perceive right well how little their aid and defence, so limited, can anything avail or conduce to any our benefit; for if the king our good brother should, in his said capitulations, restrain his defence unto the causes of Germany only, the emperor finding himself, nevertheless, grieved with the said aid, and pretending that we had thereby violated the peace and amity made between us and him, and knowing, furthermore, as it could not be hid from him, that the king our good brother were bound to defend us only in that one case, would and might undoubtedly, not upon that ground or pretence, but upon other causes which he would contrive as liketh him best, move and infer war against us.

fol. 85.

And therefore ye may in no wise agree that they shall so

limit their aid in our defence. And as unto that they offer for restitution of our merchants arrested in the emperor's dominions to write and make summons to the emperor, demoring nevertheless all that time the emperor's friend; it should not mislike us they so did, and indeed such attemptats only breaketh none amity. Nevertheless, we would not that they should so remain friend to the emperor, as they would not in like wise arrest his subjects' goods, being in our brother's dominions; but we will that they, in that case, be bound likewise to arrest all the goods of the emperor's subjects; and to lett also their intercourse of merchandize within our brother's realm. And finally, in case the emperor should move war against fol 85 b. us for that matter, or any other, that then they shall be also bound as well *ad bellum offensivum* as *defensivum* against the same emperor according to our mind declared unto you in our instructions and letters sent unto you for that purpose. And in case ye shall not be able, by any these means, to persuade them to accomplish our said desires, yet we require you to attempt some other ways such as ye of your wisdom can invent and excogitate most beneficial and conducing thereunto; amongst the which we suppose one thing should specially allect and move them to the same, viz. if ye should offer unto them, in our name, the very whole sum of fifty thousand crowns for our part, by granting whereof, if ye shall see in them good inclination and conformity to condescend and capitulate as we desire, and will in deed condescend to satisfy us therein, then we will that ye shall offer unto them, on our behalf, the said whole sum of fifty thousand crowns, to be employed after this fashion, that is to say, that the said whole sum shall be delivered and deposed in the Duke of Loreyn's hands, or else in the hand of Meznes or Monson, taking sufficient bond of them that other it shall be employed according to such appointment as shall be taken between you and them, or else that it shall be truly repaid and restored whensoever we shall demand the same. And that twenty or twenty-five thousand crowns thereof shall be delivered immediately unto the Dukes of Saxe and Bavers, and the residue to remain still in the said places in safe custody until such occasion as the said dukes shall certify us that they have employed the same as the effectual empchement of the emperor. And so, upon their certificates,

all the rest to be likewise delivered unto them if we shall then perceive that their exploits done shall necessary require the same.

fol. 86.

By which means, ne any other by your wisdom to be invented and set forth, if ye shall not be able to achieve our desired purposes at their hands, ne attain any resolution touching the said capitulations, but that they shall, with fair words, hinting, or such other light trifles, put you over and delay that matter, as they have hitherto done: Then our mind and pleasure is, that ye, with as good words as ye possibly can devise, and couched in such form and fashion as they shall have no cause to think or fear lest we, for their said dealing herein, be miscontented, shew unto our said good brother, the chancellor and great master, how that our intent in sending of you was only that ye should, with our said brother and his council, scan the effect of the old treaties passed between us, and perceiving anything to want in the same, which might confer to the common benefit of both our affairs, should supply the same by some new capitulations. Albeit, sith that they have thought the same so sufficient as it needeth none other supply or addition, ye shall say that we, referring all the order thereof to their singular wisdom and judgments, wherein we have great confidence, do, in like manner, so esteem and judge the same; which thing so set forth by you in so doulce and pleasant fashion as ye can, our pleasure is, that shewing unto our good brother how that we have revoked you home for the expedition of divers our great and weighty causes to be entreated in this our parliament, ye do take your leave of him and other of his council, and return again unto us at your good liberty; of which our revocation and your departure, if ye would nevertheless secretly advertise some one or other of the Court there, so as the same might come to the king our good brother's or the great master's knowledge two or three days before ye shall so take your leave indeed, we suppose it might work some good effect to cause them utterly to resolve and determine what answer they will make unto you, to our best contentation; which, if ye shall at length perceive to be none such as we require, and yet they shall nevertheless press you still to shew unto them what sum of money we will contribute to the princes of Germany, ye shall say that ye have received

fol. 86 b.

from us, the very same day as ye shall so take your leaves, the copies of the league and confederation made between us and the emperor at Cambray, with commandment also to shew unto them that we and our learned counsel now of late, having upon other occasions diligently perused and noted the effect thereof, have perceived ourselves to be so bounden unto the said emperor by the same, as we can in no wise aid the said princes of Germany *contra imperatorem occasione quâcunque*, unless we should break the said treaty contrary to our oath and promise. Whereunto, like as we have had always heretofore most special regard, ne could ever sustain to do any act so prejudicial to our honor and offence towards God and our conscience; even so we be now of the same affection, and therefore intend not, for any cause in the world, to send any our aid privily or apertly, directly or indirectly, unto the said princes.

And to the intent ye may with more efficacy set forth our said excuse to their satisfaction therein, we have sent unto you herewith the copies of the said treaties, desiring you in conference with them concerning this aid so to declare the special points thereof as they shall not have cause to think fol. 87. that we sought this for any our purpose, *et dedit operâ*, thereby to refuse our said aid, but for the discharge of our honor and conscience, afore God, *qui solet in fœdifragos et perjuros gravius quam in ceteros animadvertere*. Advertising you furthermore, that in case we might plainly and certainly perceive ourselves to be in very deed so bound in the said treaty of Cambray, as we might not contribute this aid without rupture and breach of the same, as some of our council here do think, then we would for no cause aid the said princes.

And therefore we require you to view the said treaty diligently, and to expend the contents thereof, and specially in the second and third articles. And in case ye shall, by your learning, assuredly judge and think the same, our mind is then that ye shall make unto them a resolute answer that we will never contribute any sum of money or other aid unto the said princes, notwithstanding our motion unto them for that purpose, ne that ye shall make any further motion unto them for any capitulations, but to take your leave and depart in

fol. 87 b. such manner as we have heretofore in these our letters declared unto you. And in case, perusing the said treaties, ye shall find us not so straitly bound as in deed in our own opinion, confirmed by divers other of our council, we be not, but that we may aid the said princes, being our friends, in their right causes, and for maintenance of justice, without rupture of the said amity, considering specially that all this querell is moved against the King of Romans, upon the title of his election only. Then we pray you to set forth, in all that ye possibly may, after such manner as is here before in these our letters expressed, as well all and singular our requests concerning the capitulations, as also all other things to be done on our behalf concerning the said aid and sending of our money to the said princes, wherein we require you, if ye can, considering that Monsieur Langez, being so much known in those parts, and a personage of such degree and estimation as he is, is not very mete to conduce these affairs under so secret a manner as we think it necessary they should be, to induce them there to send some other person of less authority and reputation unto the said princes, and to send forth our said servant with that other personage, whosoever it shall be, or else with the said Monsieur Langez, if they will send none other, giving unto him what instructions and advisement its soever ye shall think may best conduce the effect of our desires. Which thing we refer to your wisdom, and give you full authority, as before, to add and alter our former instructions given to the said Pagett as shall seem to you most convenient. And thus all things succeeding according to our desires, specially touching the capitulations or contrary, in case ye shall be in despair, or have certain resolution of them, that they will by no means agree thereunto, then we require you to take your leave, and return unto us as is aforesaid accordingly.

Given under our signet at our Manor besides Westminster the 16th day of February.

Number CCLXIV.

The King's letter to the Pope complaining that Carne is not admitted as Excusator; written February 28, 1532.

BEATISSIME pater, post humillimam commendationem, ^{Theiner,}
et pedum oscula devotissima. Graviter admodum molesteque ^{P. 601.}
accipimus, neque minus quam pro rei indignitate par est,
dolemus, quod subditus iste noster Doctor Carne adversario-
rum quorundam artibus, et pertinaciâ, nimis improbâ quidem
illâ, a legitimo excusatoris munere impediatur. Est certe illud
longe præter expectationem ac merita in istam Sedem nostra;
et tamen utcumque tolerabile foret, si in nos duntaxat no-
stramque injuriam, hoc malum recideret. Ceterum cum hâc
ratione jura omnia cum divina tum humana violenter, natu-
ralis etiam æquitatis et justitiæ ratio pervertatur, et pietatis
denique affectus, quem subditus Principi debet, frustretur,
vestræ prudentiæ ac sollicitudinis pastoralis esse arbitramur,
curare sedulo, ut plus apud Tribunal istud vestrum justitia,
æquitas et naturalis quædam pietas, quam fraudes et aliorum
potentia valeant. Non hic lubet commemorare et quotidie ad
aures Sanctitatis Vestræ acclamare, quam justis fundamentis
dicti subditi nostri petitiones nitantur. Et de voluntate nostrâ
approbantis ea, quæ executoris nomine ab eo gesta sunt, satis
jam pridem per litteras nostras, quas ad eum dedimus, eidem
Sanctitati Vestræ constare nequaquam dubitamus, et tamen
prohibere subditum nostrum, quominus erga nos Principem
suum id officii præstet et beneficii, quod subditus in Principem
naturali quodam jure collocare tenetur, et quod publice in-
terest, ut ab omnibus erga ceteros præstetur. Illud vero, si
non est contumelia, et non toleranda injuria, Vestra Sanctitas
etiam atque etiam viderit. Nos interim, quod unum possumus,
quodque antea sæpissime fecimus, rogamus Sanctitatem Vestram
quam possumus vehementissime, pariter et Reverendissimos

Dominos Cardinales in Consistorio existentes, ut non amplius differant dictum subditum nostrum pro certissimo excusatore admittere, et causam nostram benigno et paterno quodam favore prosecui, quo nomine gratiam apud Deum optimum maximum, justitiæ assertorem et vindicem, simul et apud mortales omnes, laudem et gloriam Sanctitas Vestra magnam haud dubie promerebitur, quæ felicissime ac diutissime valeat.

Ex Regiâ nostrâ, Londini die 28 Febr. M.D.XXXI.

Ejusdem Sanctitatis Vestræ

Devotissimus atque obsequentissimus filius Dei
gratiâ Rex Angliæ et Franciæ, fidei defensor
ac Dominus Hiberniæ.

HENRICUS.

Number CCLXV.

A fragment from the Vatican Library, composed by an anonymous writer in defence of the Pope, in reply to the letter which the King wrote to him December 6, 1530.

EXISTIMARE Sanctissimum Dominum Nostrum Regis ^{Theiner} litteras alieno consilio et ope acerbius scriptas quam Rex ^{p. 605.} alioquin prudens et pius mandaverit: eapropter paterno quodam affectu in meliorem partem interpretari expostulationes, criminationes, interdum etiam minas, quæ in ipsis litteris continentur: quibus omissis ad alia esse respondendum, quæ magis necessaria videbuntur.

Non sprevisse Pontificem litteras, preces et intercessiones, tam ipsius Regis Angliæ, quam Regis Christianissimi, et Procerum populorumque Regni Angliæ, sed respondisse antehac omnibus, et ea scripsisse, quibus lectis (si modo recte æstimare omnia velint) merito acquiescere debuerunt.

Quod non ita pro nutu, consilio et arbitrato Cæsaris omnia faciat Pontifex, quemadmodum Rex parum æque criminatur, argumento esse continuas Cæsaris et Reginæ querelas de Pontifice tam ante confederationem, quam postea factas, et ex iis, quæ sequuntur, facile constare posse.

Nam quum Rex Angliæ, dispersis per Italiam et provincias oratoribus tum manifestis, tum clandestinis, nullâ non ope procuraret diversorum Doctorum et scholasticorum sententias in unum congerere, in re tanti momenti, et cujus iudicium ad solum Pontificem et Sedem Apostolicam spectat, et illi in maximum dedecus et injuriam Suæ Sanctitatis nullo non astu, et prece et precio subscriptiones aliquorum magistrorum extorquerent (quod multorum fidedignissimis testimoniis et relationibus constat); Pontifex non solum in eos magistros non animadvertit, quod jure optimo facere potuisset, verum etiam reclamantibus et maxime conquerentibus Cæsaris Oratoribus, Sua Sanctitas Breve Regis Oratoribus concessit, quo liceret magistris et doctoribus ubicunque sententiam in hâc re juxta

animi conscientiam dicere. Quorum plerique quid senserint, et quibus viis se ad Regis voluntatem accommodaverint, aliud fortasse erit discutiendi tempus.

Præterea post Reginæ interpositam appellationem, et justissimam inhibitionem a Pontifice factam Legatis, ne ulterius procederent in tam gravi causâ, quum et Cæsar Bononiæ multis etiam expostulationibus, et Reginæ ejusdemque Cæsaris Oratores, ut Romæ procederetur in causâ, peterent, nullusque Regis nomine compareret, unde merito tanquam in contumacem sententia ferenda videbatur; Pontifex diversis interpositis dilationibus hucusque negotium indecisum produci jussit, nihil motus, quod Rex interim, nullâ habitâ Pontificiæ dignitatis et officii ratione, ita omnia clam præpararet, ut si judicium postea in Anglia committeretur, istis magistrorum frivolis et non authenticis, neque juridicis subscriptionibus quam vellet sententiam reportaret. Hæc autem omnia fecit Summus Pontifex nullam aliam ob causam, neque ad ullius preces et gratiam, nisi quia Sua Sanctitas non censebat rem tanti ponderis esse præcipitandam, et sperabat divino auxilio et temporis beneficio, maturatis affectibus, posset eam ad aliquem bonum finem perducere, quod melius et sincerius Sanctitas Sua judicare potuit, quam partes ipsæ, quarum judicium privatus affectus præstringere et obscurare consuevit.

Quod queritur Rex, Pontificem, quos miserat in Angliam, hanc de causâ legatos, non recte, re non illic decisâ, révocasse, fatetur id fecisse Pontifex, et jure, quia peculiare est hoc Sedis Apostolicæ, ubi arduis de causis controversia ulla in provinciis orta esset, legatos illuc mittere, qui si controversiam vel pacate proponere, vel etiam juridice decidere non ita pro re et loco possint, quidquid in causa perceperint, ad Summum Pontificem referant: id idem Sua Sanctitas Reverendissimo Cardinali Campeggio Legato mandavit, quod et factum est, et fieri debuit, et in sacris Conciliis cautum est.

Quod item objicit Rex, et toties inculcat, controversiam ibi terminandam, ubi primum nata est, repetitque sæpe id e sacrorum Conciliorum, necnon et Cypriani et Bernardi, auctoritate: id quoque fatemur ante Concilia Christiana, et ante vel Bernardi vel Cypriani tempora, juris civilis placitis decerni. Sciat Rex legem hanc multis exceptionibus et limitationibus esse obnoxiam: quarum unam hanc, quam Regina adducit, vel

potissimam esse, universa Jurisconsultorum schola et judiciorum forma judicat, tantæque esse efficaciae, ut ad hoc soli juramento partium etiam per procuratorem præstito stetur.

Non autem propterea fieri injuriam Regi, aut Anglis, nec ideo argui eos injusticiæ, aut minus synceræ integritatis (id quod Rex in suis litteris tantopere, sed profecto abs re queritur), quod utpote idoneam et sufficientem Reginæ allegationem Sedes Apostolica admiserit, quâ se Regina eum locum suspectum habere dicit, cum cujus supremo et potentissimo Domino litigat. Alioquin nisi hoc negotium tantopere Regis interesset, e cujus nutu universum Regnum pendet, nemo est, qui de justitiâ et integritate ipsius sinistri aliquid judicaret, sicuti neque etiamnum judicat Summus Pontifex : sed res ejusmodi naturæ est, ut huic suspicioni apud judices satis amplam facere fidem possit.

Nam quantum ad Regni privilegia attinet, ea Pontifex semper et ubique illæsa vult et optat, si modo id citra universalis Ecclesiæ scandalum, et libertatis ecclesiasticæ, quæ omnibus legibus antestare debet, præjudicium et offensam fiat : alioqui nulla fit injuria Angliæ Regno, si causa mere ecclesiastica et tam momentosa apud Sedem Apostolicam judicetur.

Hæc est, quam tantopere petit Rex a Sanctissimo Domino nostro scire, hujusce rei et consilii ratio, quare Pontifex causam tanti momenti, et cujus judicium ad solam Sedem Apostolicam pertinet, huc advocaverit : neque enim locus est ullus magis idoneus, minus utrique parti suspectus, aut ubi melius discuti possit hujusmodi causa, vel debeat.

In his omnibus Pontifex Deum testem adducit, se nihil fecisse aut cogitasse, quod a juris semitâ exorbitaret ; sed ad illud in primis attendisse, quo tanti ponderis negotium pacifice terminaretur : et quamvis cognoscat non potuisse tantum efficere eâ moderatione et prudentiâ, quâ Sua Sanctitas usa est, quominus sæpe Cæsar, sæpe Regina, sæpius etiam Rex Angliæ pro suo quisque desiderio decisionem causæ requirentes, de Suâ Sanctitate sint conquesti ; decrevit tamen omnino solum Deum præ oculis habere, et neque dextrorsum neque sinistrorsum declinando, quidquid tantum justitia dictaverit, judicare.

Proinde rogat Sua Sanctitas Regiam Majestatem, ut sepositis aliquorum, qui res novas semper appetunt, non bonis consiliis, eorum item, qui quum ipsi cauteriatis conscientias

habeant, nunquam conquiescere possunt, donec candidioribus animis (cujusmodi semper Regius fuit) perniciosiorem cauterii sui notam inurant, se ipsum solum, et ingentem sibi multisque exemplis comprobata bonitatem, in consilium adhibeat, et memor conservandi præclari et sempiterni illius tituli, quo ut Defensor fidei appelletur, commeritus est, majorem Reipublicæ Christianæ pacis et salutis, quam privati et momentanei alicujus affectus rationem habeat, et vel causam adeo gravem pacate componat, vel si id fieri nequeat, advocacy ipsius causæ, et Sedis Apostolicæ judicio, quod non nisi sanctum et sincerum super eâ re feretur, acquiescat. Alioquin si qua inde scandala, odia, dissidia, calamitates ullæ inter Christianos Principes (quod merito timendum est) oboriantur, Pontifex Deum sinceræ suæ conscientiæ testem et judicem invocat. Deus autem justus judex in eos, qui tanti mali auctores fuerint, justissimæ ultionis suæ virgam exercebit, id quod videmus jam nonnullis hujus discordiæ vel auctoribus vel fautoribus accidisse.

Number CCLXVI.

Ciphered despatch from Benet and Sir Gregory Cassali to the King, advising what should be done in order to gain the Cardinals of Ancona and Ravenna to his side. Written February 11, 1532.

AS touching the old man that your highness doth know of . . . Vitell.
 as here of me William Benet and Sir Greg[ory having] B. xiii.
 the commodity to resort to the said man w[ithout] fol. 189,
 suspicion of any man by reason of . . . al. 187.
 fite and continual resort which I have [to the sai]de
 old man's nephew, went unto [him and]
 shewed him your highness' pleasure contained in the [promo-]
 cions of the same now brought [by me]
 William Benet; and to that effect [the old]
 man said that as touching the faculty . . .
 he regarded him but little; but [that he]
 hath had many like promises of pr[omotions]
 and reserves of benefices [to]
 be vacant to the valor of ten th[ousand duc-]
 atys, and yet he yet had none of [them, and]
 maketh no fundament upon any [promise of]
 any thing too come, and it may please your highness [as to the]
 sum of money, he cannot meddle with no [other]
 but him in no manner of wise. But he s[ays it]
 would savour of corruption, and because [I have]
 brought no benefice in hand, he th[inketh]
 verily that we go about with words [only to]
 satisfy him, and so finally too de[ceive him].

We seeing him in this suspicion [by] reason we could
 might per . . .

. lyt, and considering that every thing is fol. 189 b.
 r[efer]yd now unto his hands, as your highness may perceive
 [by] our other letters, so that it is wholly in him,
 [othe]r by the disputation upon the matter exc-

[usa]torye too defer the process, other at the
 [Ro]te, to let that no sentence may pass against
 [us] in the principal cause; which he hath promised
 [so] to do, with more in case we do assure him
 [of] our promises; we thought very necessary
 to practise all wise how we might
 [so] assure him to your highness, and to remove him from
 this sus-
 [pi]sion, lest he hanging in him should not do effectually
 that thing in this matter which might be to
 [our] satisfaction; and so we did put unto
 [him to] shew what he would we should promise, and to devise
 [sure]ty for the performance thereof. After many
 [excu]sys he asked that we should promise that your highness
 should procure
 [pro]motions in the Church; whether it be bishoprics
 [or] abbacies, other priories, other so many
 [of] them as would extend to the yearly value of six or
 [se]ven thousand crowns, and also a bishopric
 in England, which should be vacant next; and in part
 thys sum to be procured in France; he would
 [in] any wise that your highness should obtain an abbacie
 which is
 [now] vacant in France by the death of one Ludovico
 . . . ssa, called the Abbey of Ferres, which is
 [distant n]yne leagues of Paris, and is
 [said to be wo]rthe yearly three thousand crouns;
 and he would that for the performance of f . . .
 send some jewel of great estimation
in deposito till the rest of the p[romise be]
 performed, and this the old man desired [not so]
 much to win this revenue as
 providing of his own living, for he [knoweth]
 well that whensoever the Imperials [shall]
 perceive that he shall be in opinion agayn . . .
 desireth, and that according to the . . .
 passe against the Emperor will imagine . . .
 not only to displease him, but also i[n]jure
 him; which they may do lightly, considering [hi]s
 revenue lieth either within . . .

fol. 190.

his lands or his vassals, which should be . . .
 de of his pleasure too take his rev[enue from]
 him.

Wherefore he said, if he should be brou[ght into]
 danger, and should not be in a surety of your highness'
 p[romise]

too be relieved, it should be a great . . .
 him so old to be led unto it we c . . .
 ge how much it importeth [to win]ne
 him surely this time, chiefly [as he]
 standeth in this jeopardy and al-
 noye of the Imperials; and they ren[ewing their]
 importunity in calling for process . . . [and the co-]
 myng of the Emperor now unto Italy [might]
 alter him by one way or other, not being
 [ver]y confirmed for your highness.

fol. 190 b.

We thought therefore very
 [nec]essary not to shew any difficulty
 to promise which he demanded, neither to make any
 [scr]upul that your highness would give any such surety; and
 we promised that such promotions should be
 [proc]uryd in France and a bishoprick in Yn-
 [gland]; and that we would write unto your highness for to
 send some jewel

[of value] *in deposito*, till such time as the promises
 [b]e performed. Although this promise be
 [made], yet we thought that if this abbacy which is now
 [vaca]nt in France be obtained, so to assure him with
 [hy]t that we should be sure of him, and also put a
 [grea]te part of his suspicions away;
 [where]by we should the more easily persuade him not to ask
 [for] any such surety for the performance of the
 [hol]e of the promise; and furthermore we trust ve-
 [ril]y that when the rest of the benefices be
 [pro]curyd in France for him, so to handle him that if
 [we] had any such jewel and did lay it *in deposito*
 . . that he should then restore it again with the bond [and]
 . . our promise.

Wherefore if your highness did send any
 [such] jewel, as we think is necessary, the same

for the assure entertainment of him, other it would not pa-
 [sse out] of our hands, and if it do, we may use
 as when the benefices should be procured
 fol. 191. in France to the sune above u . . .
 great part of it, that it may be [restored to]
 us again.

Sir, if your highness had seen [what]
 difficulty we had to bring [the old]
 man to the pass we have brought him [unto],
 considering his suspicion th[at he is]
 in, and also the great desire of [the young]
 man to get promotions, the s[ame would]
 marvel; and also if your highness saw o . . .
 fide, as we do, the authority [and]
 estimation of this old man to be [so gr-]
 ate as the same is able to counterpoise [the whole]
 court here besides in matters [of law],
 we think verily your highness would judge [that]
 nothing concerning the promise [was]
 written temerariouly, but very nec[essary];
 seeing that all the help of this present . . .
 danger consisteth only in this, [that]
 your highness hath understood that it is the said old man
 [that in]
 any wise we should go forthward with [promo-]
 cione, saying further that therein . . .
 alone so that we go forth with it.

Your high[ness' most humble]
 subje[cts and poor servants]

[W. BENET.
 GREGORIUS CASALIUS.]

Folded and endorsed—
 To the King's Highness.

Number CCLXVII.

Copy of the answers given in the Consistory of March 6, 1532, to what was alleged by the advocates for the Queen against the proposals of the King's Excusator.

Roma, 6 Martii, 1532.

Vitell.
B. xiii.
fol. 156.

RESPONSA data sextâ die Martii in præsentia Sanctissimi Domini [Nostri, in] consistorio ad allegationes advocatorum Serenissimæ Reg[inæ Angliæ], deductas contra tres conclusiones illâ die disput[atas, et] pro parte excusatoris Regiæ Majestatis propositas.

Primo, Siquidem propositâ per nos conclusione, quod *Regia di[gnitas] non impedit quominus de jure in causâ de quâ agitur juxta ten[orem] materialiarum possit objici de loco non tuto, secundum communem.*

Dicebant Advocati Serenissimæ Reginæ, eandem semper canti[lenam] canentes, quod duplex decretum contra excusatorem Regiæ [Majestatis] per Sanctissimum Dominum nostrum erat interpositum, quo decernebatur eundem ex[cusa]torem sine mandato non esse audiendum; ex quo infere[bant] quod dictus excusator ab hujusmodi decreto non appellans injust[i]tiam, vel disputationem super conclusionibus haberi, vel materias proposi[tas non] debere admitti, cum constet eundem excusatorem non [habere] mandatum.

Respondebamus, quod, attentis materiis et conclusionibus prop[ositis], quas dicebamus nos velle justificare, et defendere contra [omnes], dictus excusator de jure ad proponendum et probandum con[clusiones] in materiis debet admitti, absque aliquo mandato, dicto d[uplici] decreto in aliquo non obstante; et præsertim cum Sanctissimus Dominus noster [in] signaturâ decrevit eundem excusatorem per viam querelæ [esse] audiendum. Nam dictum duplex decretum, quoad ipsum Sanctissimum

fol. 156 b. Dominum [nostrum], non transivit in rem judicatam, nec per illud aliquod jus [parti] adversæ acquisitum fuit, quominus idem Sanctissimus Dominus noster absque [partis] adversæ consensu, et citra cujusquam injuriam [posset revocare] seu remove, juxta dispositionem c. *Cum cessante*, de appell. . . . *jussit*, § de re judi., ac nobis super conclusionibus licentiam [ci]tandi concedere, prout publice et expresse concessit et indulsit, [d]uplici decreto nullo modo obstando; et utrum excusator haberet [man]datum vel non haberet, dicebamus nos velle ostendere in conclusione Ubi habemus pro conclusione indubitata, quod ex litteris regiis [exc]usatori prædicto directis, inducitur sufficiens mandatum.

[Secu]ndo, Dicebant quod de loco minus tuto objici non potest, quando [probabi]le est quod objiciens non vult venire ad locum, etiam si esset tutus, [et v]erisimile est, ut ipsi dicebant, quod Rex non vult [veni]re ad locum Judicii, etiam si esset tutus, et hoc quia reges non [solen]t venire. Ergo etc.

[Respo]ndebamus hoc argumentum scholasticum esse, et nullâ lege, [nullo] Canone, nullâ glosâ, nullo doctore, nullâ decisione Juris [Civil]is aut Canonici comprobari; præterea falsum esse quod dicitur, [reg]es non solere venire ad judicii locum, cum [re]periatur in multis locis, et præsertim in c^o *Constitutis* et ij^o [de t]estibus, et ibi Bal. ac Aret., post Anto. de But. et alios; et, [da]to quod reges non soleant venire ad locum Judicii, adhuc [ne]cessario non sequi quod pro hoc omnino excludatur exceptio loci [non] tuti, ut clarissime dicebamus nos velle ostendere in [conc]lusione 17â.

fol. 157. [Tertio, Dice]bant, non posse objici de loco non tuto, quin objiciendo sequeretur absurdum. Scilicet, inquiunt, sequeretur absurdum si hic pro[du]ceretur de loco non tuto; quod volebant ostendere ex tribus.

Primo, quod sedes apostolica privaretur potestate cognoscendi [de causis] regum. Secundo quod Papa cogeretur causam existentem [semper] committere aliis Judicibus extracuriam. Et tertio quod [nunquam] ad sententiam diffinitivam in causâ veniretur, cum omni tempore pro[cessus] Rex posset objicere de loco non tuto.

Respondēbamus, hoc argumentum similiter scolasticum esse, et falso dici quod [per excep]tionem loci non tuti privaretur sedes apostolica potestate cognos[cendi] de causis regum, et perpetuo impediretur processus: quia cit[ra po]testatis privationem in prædictis, et impedimentum processûs h[ujusmodi] potest Sanctissimus Dominus noster in loco non tuto, securo et idoneo committ[ere causam] per deputandos a se Judices examinandam; neque censen[dum esse] absurdum quod Sanctissimus Dominus noster causam hanc sic committat; et cum n juris articulis et in causis omnino similibus multi retro Ponti[fices] hoc recte et prudentissime fecerunt, ut in c. *Novit*, de Ju[diciis], c. *Per venerabilem*, Qui filii sunt legi. cº. *Non est*, de sp[ons.], cum aliis infinitis, nec quicquam omnino potestatis periit. Cum nostra facimus quibus auctoritatem nostram impartimur l. ij. de vete. Ju. enucle. Et regem omni tempore processûs po[sse] objicere de loco non tuto, si re verâ tutus non sit, nu[lla] lex, nulla ratio, nulla constitutio prohibet. Cum habet gra[va]men successurum et non momentaneum Archi. in c. *Hortamur*, iii. q. ix. Bal. *nil per emptorias* in iiiª *rescin. non posse*. Butriga in, c. *Dilectos* lo. iiº Archi. et Dominicus de Stº Gemº in c. *Sc* in Sexto spec. de fol. 157 b. appell. § *Restat*, et in titulo de Citatisº *Quod si reus*, Alex. in l. de ætate v. contra ad Trebell. [et] plene in c. *Accedens* et ij. Ut lite non conte. viª contra De. et Ultima.

[Qua]rto, dicebant quod in hâc causâ tractatur de validitate dispen[sationis],—Videlicet An Papa potuit in hâc causâ dispensare,—scilicet hoc [non] erat ad Papam judicare. Igitur frustratorie objicitur de loco [non] tuto regi.

[Respon]debamus, consequentiam prædictam esse falsam, cum in hâc causâ [plu]ra sunt examinanda, quorum respectu admodum interest [reg]is, locum habere ad quem possit tute accedere; nec per assigna[tion]em loci tuti cessat spectare ad Papam de dictâ potestate co[gn]oscere, prout clarissime ostendetur in disputatione habendâ [pro] conclusione xxiª.

[Qu]into, dicebant non posse objici de loco non tuto, quin sequeretur ex [hoc] perpetuum impedimentum. Scilicet hic

sequeretur perpetuum impe[di]mentum, si posset objici de loco non tuto, et hoc quia perpetuo [R]ex, et locus iste perpetuo non tutus, et quia non est dare alium locum extra curiam tutum Reginæ. Ergo etc.

fol. 158.

[Res]pondebamus, male esse consideratum perpetuum impedimentum tum de quo agitur, viz. mittendi procuratorem; quia, ut dicebamus, [in disputatio]ne dicimus nullum impedimentum ad effectum hujusmodi est si illud duntaxat per quod induceretur peremptio juris partis adversæ, nisi procurator constitueretur qui detinetur perpetuâ infirmitate aut alio simili impe[dimento]. Tale autem impedimentum hic non est; quia, salvo manente [jure] partis adversæ, citra constitutionem procuratoris in hoc loc[o tam] remoto et tam non tuto, causa potest committi iudicibus idoneis [loco] tuto et securo examinanda, ut in c. *Sive* 33 q. ii. [cum suâ] glosâ, in c. *Constitutis*, et ij. de testibus, c. *Ex parte*, de appell., et clarissime ostendetur in disputatione habendâ super oct[avâ] conclusionem et, Quatenus debent alium locum extra curiam [dare] tutum Reginæ; Dicebamus hoc esse facti, et etiam non esse n[egandum], et quatenus hoc nitantur probare, nos clare probabimus Con[trarium].

Sexto, dicebant præsumptionem calumniæ esse contra regem, cum [falsum] sit quod reges veniant ad locum iudicii; ex quo inferebant [regem] non posse objicere de loco non tuto, quasi illa cesset objicientem est præsumptio calumniæ.

Respondebamus præsumptionem hanc de tanto tamque cordat[o] principe extantem et nullo fundamento collectam, esse t[eme]rariam et omnino falsam, per c. *Constitutis*, et ij de testibus, et c. [*Sive*] 33 q. ij cum suâ glosâ, adeo quod mirandum est quod illis ven[iret] in mentem ut hujus nobis calumniæ tam frequenter me[ntionem] faciant; præterea dicebamus nullibi reperiri quod ex præsump[tione] hujusmodi, nullâ quidem et inefficaci, excludatur exceptio l[oci non] tuti, maxime quum illius exceptionis de loco non tuto o probatio in continenti, prout est in casu nostro, ut est textus [*Interpo*]sita, de appellationibus, l. *Si idem cum eodem* § de

Inj quum est notorium ac verissimum locum non fol. 158 b.
esse tutum quem adducit in materiis.

[Sept]imo, dicebant quod non potest objici de loco non tuto, ubi effectus [est e]vitabilis; scilicet effectus est evitabilis in hoc dupliciter. Primo [quia] regibus cessat ratio, propter quam in gravi causâ impeditus [per l]ocum non tutum, non cogitur constituere procuratorem. Nam [reg]es solent habere legatos fideles et solertes, quos oportet ipsorum [rebus] et non propriis vel alienis intendere negociis; quod in [personis] privatis per locum non tutum impeditis, quod tales legatos non [habent,] nullo modo contingit. Secundo quia reges possunt evitare [peric]ulum, ac impedimentum loci non tuti, veniendo associati. [Itaque] dicebant quod illustrissimus Rex non potest objicere de loco non tuto.

[Resp]ondebamus argumentum hoc scolasticum nullius esse ponderis, et mi[nor]em argumenti prædicti non esse veram. Præterea male inferri ad ex[cept]ionis loci non tuti exclusionem, seu procuratoris consti[tue]ndi necessitatem, ex eo quod reges possint et soleant habere [tal]es legatos, ac etiam valeant associati venire, quia ista neque [e]xcludunt exceptionem loci non tuti, neque inducunt necessari[t]atem constituendi procuratorem; præsertim cum legati hujusmodi extra-[ju]dicialia et non judicialia soleant pertractare. Porro venire [ad] locum iudicii associatum, reputatur a jure impossibile, [prou]t latius deductum fuit in responsis ad objecta in priori [disp]utatione, et dicta opinio, quod debeat venire associatus, est [omnino] damnata in c. *Ex parte*, et primo perscribentes, [de] appellat.

Octavo, dicebant quod quum citatus est illustris et ita fol. 159.
perp [co]ronæ dignitatis, non potest objicere de loco sic ut non ten[eatur] mittere procuratorem l. pen. § de procurat., *Cum autem seq[u. et corpore] unde sumitur.* Scilicet illustrissimus Rex est talis. Ergo etc.

Respondebamus, quod d. l. pen., *Cum autem sequ. et corpore unde sumi[tur]* non obstant, quia ibi tam prohibentur illustres esse instru[menta] iudiciario per se litigando et

judicium exercendo, ne de[trahatur] eorum dignitati, Scilicet nullo jure prohibitum est quod Illustres [minime] Illustres possint esse in civitate et in loco ubi judicium [habetur] quippe cum tunc cessat ratio allata in dictis juribus. Ergo cum r[esponsio] sit, neminem posse in eâ civitate conveniri vel cit[ari] quam non potest tuto intrare, prout est textus in c. *Statutum* vero junctâ glosâ in verbo non audens quod sequitur. Domi[nicus] et Canonistæ communiter ibidem ac textus in Clem^a Pa de fo[ro competenti], junctâ glosâ in verbo *Fautoribus*, nec reperitur quod Illustres [sunt] excepti ab illâ regulâ, merito eidem est standum per Bar in l. *Quoties* § siquis cant. Jo. An sup. rubricâ de reg li. vi., præsertim in causâ gravissimâ, ubi non nichil re[peritur] quod pars principalis intersit causæ suæ non solum ne ip[se] colludatur, sed etiam ut instruat et informet ut ille si suspe- § de inffi testō l. paulus ff de procur. glo. fi. in c. ij de pro in vi^o; ex quibus apparet quod Illustris; licet aliquem teneatur constituer[e] procuratorem, non tamen ex hoc sequitur quod non possit de loco sibi non [tuto] ob- jicere; et hoc erat prima responsio ad d. l. pen. *cum autem* [sequ.] et corpore unde sumitur.

fol. 159 b. Secunda vero responsio erat, quod d. l. *Cum autem* et cor- pore tum matrimoniali prout est textus in c. *Consti- tutis*, et ii de testibus, [ubi] princeps Boemiæ petiit coram episcopo Praginensi divor[tium,] et ejus uxor illustris vole- bat accedere ad ipsum episcopum, [ut] proponeret acti- ones suas, et quia non erat admissa appellavit; [Et] sua appellatio ex hoc erat justificata, et Innocentius III commisit [causam] archiepiscopo Magdeburgensi, mandans locum ido- neum et se[curum] partibus assignari; ex quo apparet quod non solum personæ illustres [solent] per se in causâ matri- moniali litigare, sed etiam quod locus tutus [debet] eis assig- nari; et profecto textus ille adeo est expressus [ut etiam] si in illo textu essent ista verba, Princeps Anglorum sicut erat princeps Boemorum, dicti advocati in hâc materiâ [dis-] putarent contra expressum casum legis latoris, et ex istis [non sequitur] quod d. l. pen. *Cum sua autem* quæ loquitur in causis pe[cu]niariis non habet locum in causâ matrimoniali; et posito sine [præj]udicio veritatis quod haberet locum, non tamen negat quin locus [jud]icii debet esse tutus, tam domino licet illustri

quam etiam ejus procuratori est communis opinio approbata in glosâ primâ in c. *Ex parte* præallatâ allegat pro voto c. *Sive* 33 q. ij., pro quibus facit c. *Ad [aposto-] licæ*, de re judi. in Sexto. Ubi vult Innocentius IV quod licet reges [et] principes possint per se vel per solennes nuncios comparere, [lo]cus tamen debet esse ipsis regibus et principibus tutus et securus. [N]eque obstat quod scripserunt antiqui post Ubertum de Bobio, [scilicet] quod Illustres non possunt esse in judicio, ne horribiles et [te]rribiles videantur Judici; quia hæc terribilitas censurâ [Cano]num non est recepta, ut in c. *Novit*, de Judi.; ubi Innocentius III [commisit] causam inter Regem Angliæ et Regem Francorum existentem cuidam legato fol. 160. existenti in Franciâ; similiter [in c. *Per vene*]rabilem, Qui filii sunt legitimi, ubi causam vertentem s[imiliter] inter regem Franciæ et ejus reginam commisit legato [existenti] in Franciâ; similiter in c. *Cum olim* et ijº de restitut. spoli., [causam] vertentem inter regem Legionen. et filiam regis Castellæ com[isit] prælatis existentibus in regno; et causam vertentem inter Reg[em Angliæ] et ejus filios commisit prælatis de Angliâ existentibus. Ut [in c.] *Non est*, de sponsâ, et facit cº *Constitutis* prius allegatis Bal. quod Rex Boemiæ potest adire episcopum suum in causâ [vertente] contra suam uxorem, quæ sequitur Aret. Ex quibus manifestum est [sacros] canones non approbâsse dictam rationem terribilitatis, [nec] de eâ curâsse; immo Illustres ad locum judicii admisisse, [istâ] ratione non obstante; præterea dictam terribilitatis rationem [non] admiserunt Jura Cæsarea; nam habetur in l. ij § iijº § senatores vel clarissimi quod Illustres in civilibus et crimin[osis] debeant conveniri in ipsorum domicilio; patet itaque utramque dictam rationem antiquorum esse reprobata[m] et d. l. pen. *cum [autem sequ.]* et *corpore* hujusmodi non obstare quominus procedat conclusio.

Nono, dicebant quod Serenissima Regina præstitit juramentum p[er]horrescentiæ; ex quo inferebant quod causa non debet alibi extra cur[iam] committi, et consequenter quod hic non potest objici de loco non tuto.

Respondebamus, juramentum perhorrescentiæ non habere illam jure, [ita] ut vel impediat commissionem in hâc causâ

extra curiam [committi; et] exceptionem loci non tuti, ut dicebamus nos velle [clarissime] ostendere in disputatione habendâ super conclusione locum, fecimus remissionem ne confunderentur et ad conclusionem xxij. Ubi de illâ re

fol. 160 b. [Decimo] dicebant quod respicit favorem Illustrium, quod per se non veniant, sed [ten]eantur mittere procuratores; ex quo inferebant quod Illustrissimus [Rex] tenetur mittere procuratorem, nec potest objicere de loco [non] tuto.

[Res]pondebamus illationem prædictam esse falsam, et contra textum in sæpius [alleg]ato c. *Constitutis*, quia in causâ matrimoniali Reges possunt liti[ga]re per se; et est ratio, quia si aliter diceretur, sequeretur quod Reges [auctorit]ate Juris Canonici cogerentur salutem animæ suæ alteri com[mit]tere; quod est absurdum dicere, quia essent deterioris [con]ditionis quam cæteri; nec est vera illatio quâ inferunt regem [non] posse de loco non tuto objicere, cum sit contra communem opinionem de glosâ primâ in c. *Ex parte*, de appell., prout allatus textus in c. *Sive* [33] q. ij quæ loquitur in Rege et in causâ matrimoniali.

[Un]decimo, propositâ per nos contra dictam conclusionem, viz. quod *Impeditus [proba]bili et necessario impedimento temporali non cogitur constituere procu[rat]orem secundum communem*; Dicebant dicti advocati quod allegare regem [non] teneri ad mittendum et constituendum procuratorem est allegare [im]pedimentum Juris et non facti; ex quo inferebant quod excusator [a]d allegandum sine mandato non debeat admitti.

[Res]pondebamus, allegationem nostram non bene ab illis considerari. [N]am allegatum est per nos Regem Illustrissimum non posse venire ad locum [t]am remotum, sed impediri ne hoc faciat inevitabiliter; ex quo [di]cebamus sequi de Jure, sine aliquâ nostrâ allegatione, regem [non] teneri ad mittendum procuratorem. Itaque illatio per dicta ad[ver]sarium, tanquam fundata super falso fundamento, mani[feste] corrui.

[Duodecimo,] dicebant quod allegare impedimenta deducta in materiis, [est allegare impe]dimenta non prævisa; ex quo inferebant quod excusator ad illa alleganda non debet sine fol. 161. mandato admitti.

Respondebamus, impedimenta deducta in materiis non esse bene pr[æ]visa; quia deductum est in materiis quod impedimenta Regiæ Majestatis [sunt] inevitabilia, et per consequens necessaria et præcisa. Unde dicebamus [quod Excu]sator, tametsi mandatum non haberet, posset tamen illa de Jure alleg[are].

Tertiodecimo, dicebant quod petere locum tutum assignari, seu [locum] tutum eligere, vel causæ assistere, dependet a voluntate reg[is]; ex quo inferebant quod excusator, cum ab ipso rege mandatum non [habet, nec] ipsius voluntatem cognoscit, utrum velit assitserere aut locum tutum [petere], non debet audiri.

Respondebamus, Controversiam hic esse non de loco tuto petendo, videlicet [an] excusator possit locum tutum petere aut eligere, nec An Rex velit vel nolit causæ suæ assistere; sed tantum hic quæritur [an] impeditus impedimento probabili et necessario corporali cogatur comp[arare] procuratorem; ad quam rem omnes vident objectionem esse impertinen[tem]. Nichilominus dicebamus quod *docto*³⁵ quod rex non possit ad loca ta[m] remota venire, statim infertur de Jure quod debet habere locum tutum sibi [pe]tenti assignatum, ut dicitur in conclusione 18. Præterea de Jure quod possit in illo loco absque aliquâ nostrâ allegatione co si velit assistere.

Quartodecimo, dicebant, Quod cum in conclusione propositâ consideretur [impedi]mentum probabile, et impeditus tali impedimento teneatur s[em]per constituere procuratorem, conclusio prædicta non est vera.

Respondebamus, illos non bene ponderâsse conclusionem quam loquendo de im[pedimento] non ponit de necessario, tam

³⁵ Mistake for *dato*.

nec de probabili, tam nec de temporali, tam [nec] de impedimento simpliciter; sed ponit copulative, de omnibus videlicet [necessario], probabili et temporali; unde manifestum esse dicebamus, argumentum non atti[nere].

Quintodecimo, dicebant quod impeditus impedimento necessario [solum] tenetur mittere procuratorem, quum impedimentum est præcisum; [sed impedi]mentum præcisum non est in casu proposito, ut illi dicebant; [Ergo etc.]

fol. 161 b. Respondebamus falso dici quod impedimentum necessarium præ[cisum est] in conclusione, quia cum dicta conclusio, loquens de impedimento [pro]babili et temporali, eliciatur ex materiis et materie, omnino loquitur [de impe]dimento necessario præciso, manifestum est necessarium præcisum esse deductum in conclusione.

Sexto decimo, dicebant quod nos sumus in perpetuo et non in temporali impedimento. Unde inferebant [quod R]ex impeditus tenetur mittere procuratorem.

[Res]pondebamus assumptum esse falsum, quia, ut liquet ex materiis, ex quibus elicitur conclusio, [impedimentum] deductum est temporale, eatenus scilicet duraturum donec detur locus tutus et securus, [et ju]dices assignentur idonei pro causæ examinatione.

[Decimo] septimo, dicebant quod causa matrimonii requirit celeritatem; ex quo inferebant quod si causa [est pro]tectionis quæ requirit celeritatem, impeditus qualitercumque tenetur procuratorem mittere, o cº. *Cupientes*, § *Quod si per viginti*, de elect. in Sexto, ita dicendum esse in causâ matrimoniali.

[Respondeb]amus, malam esse consequentiam istam,—Causa requirit celeritatem, ergo impeditus semper tenetur [mitt]ere procuratorem. Nam certum est quod causa beneficiæ requirit celeritatem, ut in Clementinâ [*Disp*]endiosam., de Judi., et tamen manifestum est quod impeditus in causâ beneficiæ non tenetur [mitt]ere procuratorem, ut est textus in cº ij de

procurat. Præterea dicebamus quod in causâ [mater]iæ justæ non est omnino bonum argumentum a causâ electionis seu matrimonii spiritualis ad causam [matri]monii carnalis. Ut est textus in c. *Quoniam* § *Quod si forsân*, Ut lite non conte., et verum [est quod] dici solet argumentum a simili deficere, datâ dissimilitudine.

[Decimo] octavo, Propositâ per nos tertiâ conclusione, Videlicet quod, *Exceptio loci [pete]nti competit, nedum quum locus in quo agitur iudicium, non est tutus, sed etiam quum loca media [per quæ] necessitate eundum est ad locum Iudicii non sunt tuta, secundum communem*. [Dic]ti Advocati confitebantur eandem conclusionem esse veram in jure, tamen dicebant [eam non] facere ad negocium, quia procedebat respectu partis principalis, et non respectu [procu]ratoris, cui dicebant tam locum iudicii quam media loca per quæ pervenitur ad locum [ju]dicii esse tuta, et ideo non posse objici de loco non tuto.

[Res]pondebamus, et Acceptantes primum quod ex adverso dicebatur, videlicet [ve]ram de jure esse conclusionem propositam, quod limitatio per dicta de Jure [non] erat vera, quia est contra dictum c. *Ex parte*, et communem opinionem doctorum ibidem de hoc et etiam quomodo conclusio prædicta faceret ad negocium, dicebamus [nos v]elle clarissime ostendere, in disputatione habendâ super conclusione, qui est locus peculiaris et proprius pro illâ materiâ.

Number CCLXVIII.

Holograph letter from Augustin to the Duke of Norfolk, giving an account of the mode of celebrating Mass at Nuremberg; written March 14, 1532.

Vitell.
B. xxi.
fol. 44.

MY duty remembered with most humble thanks unto your grace that it pleased you so benevolently to remember me unto the king's high[ness] concerning my return into England. Albeit the king willeth me, by his grace's letters, to remain at Brussels some space of time for the apprehension of Tyndall, which somewhat minisheth my hope of soon retu[rning], considering that like as he is in wit moveable, so is his person uncertain to come by; and as far as I can perceive, hearing of the king's diligence in the apprehension of him, he withdraweth him into such places where he thinketh to be furthest out of danger. In me there shall lack none endeavour. Finally, as I am all the king's, except my soul, so shall I endure all that shall be his pleasure, employing my poor life gladly in that which may be to his honour or wealth of his realm.

Pleaseth it your grace, according as I have written to the king's highness, the emperor, being yet sore grieved with a fall from his horse, keepeth himself so close that Mr. Cranmere and I can have none access to his majesty, which almost grieveth me as much as the emperor's fall grieveth him.

I have promised to the king to write to your grace the order of things in the town of Nuremberg, specially concerning the faith, but first I will rehearse some other towns as they lay in our way. The city of Worms, for the most part, and almost the whole, is possessed with Lutherians and Jews, the residue is indifferent to be shortly the one or the other; truth it is that the bishop keepeth well his name of Episcopus, which is in English an overseer, and is in the case that overseers of testaments be in England, for he shall have

leave to look so that he meddle not, yet some time men calleth him overseen, that is, drunk, when he neither knoweth what he doeth, nor what he ought to do. The city of Spire, as I hear say, keepeth yet their faith well, except some say there be many do err in taking too largely this article *Sanctorum Communionem*, which hath induced more charity than may stand with honesty. One thing I marked, such as were lovers, divers of them had their paramours sitting with them in a dray which was drawn with a horse trapped with bells, and the lovers, whipping them, caused them to trot and to draw them throughout every street, making a great noise with their bells; the women sat with their heads discovered, saving a chaplet or coronet wrought with needle-work. I had forgotten to tell that there were great horns set on the horses' heads. I suppose it was the triumph of Venus, or of the devil, or of both. All towns ensuing be rather worse than better. But I pass them over at this time.

Touching Nuremberg, it is the most proper town and best-ordered public weal that ever I beheld. There is in it so much people that I marvelled how the town might contain them, beside them which followed the emperor; and notwithstanding, there was of all victual more abundance than I could see in any place, although the country adjoining of its nature is very barren. I appointed to lodge in an inn, but for Laurence Staber, the king's servant, came to me, desiring me to take his house, whereunto I brought with me the French ambassador, where we were well entertained, and that night the Senate sent to us thirty gallons of wine, twenty pikes, thirty carps, a hundred dace, with sundry confections; the residue of our cheer I will keep in store until I speak with your grace, which I pray God may be shortly. Although fish was sent to us, yet universally and openly throughout the town men did eat flesh. Although I had a chaplain, yet could not I be suffered to have him to sing Mass, but was constrained to hear their Mass, which is but one in a church, and that is celebrated in form following. The priest, in vestments after our manner, singeth everything in Latin, as we use, omitting suffrages. The Epistle he readeth in Latin. In the mean time the sub-deacon goeth into the pulpit and readeth to the people the Epistle in their vulgar; after, they peruse other things as

our priests do. Then the priest readeth softly the Gospel in Latin. In the mean space the deacon goeth into the pulpit and readeth aloud the Gospel in the Almaine tongue. Mr. Cranmer saith it was shewed to him that in the Epistles and Gospels they kept not the order that we do, but do peruse every day one chapter of the New Testament. Afterwards the priest and the quire do sing the *Credo* as we do; the secrets and preface they omit, and the priest singeth with a high voice the words of the consecration; and after the levation the deacon turneth to the people, telling to them in Almaine tongue a long process how they should prepare themselves to the communion of the flesh and blood of Christ; and then may every man come that listeth, without going to any confession. But I, lest I should be partner of their communion, departed then; and the Ambassador of France followed], which caused all the people in the church to wonder at us, [as though] we had been greater heretics than they. One thing liked me well (to shew your grace freely my heart). All the priests had wives; and they were the fairest women of the town, &c. To say the truth, all women of this country be gentle of spirit, as men report. The day after our coming, the Senate sent gentlemen to shew us their provision of harness, ordnance, and corn. I suppose there was in our sight three thousand pieces of complete harness for horsemen; the residue we saw not for spending of time; of guns great and small it required half a day to number them; arquebusses and crossbows, I thought them innumerable. The provision of grain I am afeard to rehearse it for jeoparding my credence. I saw twelve houses of great length, every house having twelve floors, on every one corn throughout, the thickness of three feet. Some of the Senate shewed me that they had sufficient to keep fifty thousand men abundantly for one year. Much of it has lain long and yet is it good, as it shall appear by an example that I have now sent to your grace of rye, which was laid in there 190 years passed, whereof there remaineth yet above five hundred quarters. I doubted much to report this to your grace, but that I trusted your grace would take it instead of tidings, and not suppose me to be the author, considering that much strange report may bring me in suspicion of lying with some men, which hath conceived wrong opinion

of me. News there be none worth the writing ; they do look every day here for King Ferdinando's wife, who men do suppose will somewhat do in persuading the princes of Germany ; bringing with her all her children, which is a high point of rhetoric and of much efficacy, as old writers supposed. And here an end of my poor letter, which I beseech your Grace to take in good part with my hearty service. And our Lord maintain you in honour with long life. Written at Regensburg, the fourteenth day of March.

If it shall please your [grace for Master] Baynton to know some of these stories I wo[uld be right glad].

To my Lord of Norfolk's Grace³⁶.

³⁶ This letter was correctly printed in 3 Ellis 2, p. 189, but was erroneously assigned to the year 1531. It is remarkable that this editor gives it without assigning the name of the writer, whose handwriting he must have seen several specimens of in the Cottonian Collection.

Number CCLXIX.

Letter from Augustin to Cromwell, begging for money and detailing the state of affairs as regards the advance of the Turks; written March 21, 1532.

Vitell.
B. xxi.
fol. 6r.

MAGNIFICE ac observandissime Domine, humili commendatione præmissâ etc.

Decreveram plane, postquam ex Bruxellis discessi, n[ullas] amplius ad te scribere literas; cum manifesto viderem me oleum et operam perdere, et, ut aiunt, surdo fabulam canere; siquidem ex tot meis ne minimam quidem lineam a te unquam extorquere potui; et pro tot meis precibus intelligam amicos meos a [vobis] non nisi bona duntaxat verba recepisse. Verum enimvero, ut tibi mei aliquantisper refricem memoriam, utque nihil me intentatum vobiscum reliquisse cognoscas, statui impræsentiarum etiam has ad te scribere; quamvis existimem me illis parum profecturum, et mihi a vobis angustum sperandi, ne dicam desperandi, locum derelictum fuisse. Te itaque, per superos, rogo nominis tui atque honoris illius Serenissimi Regis curam habeas, ac te ipsum qualis es, qualisque semper fuisti, omnibus ostende; hoc est, optimum virum, et promissi servantissimum; neque imminuas totius illius regni et omnium, qui te noverunt, singularem opinionem, et maximam de te conceptam expectationem; immo potius in dies eam integritate, veracitate, aliisque honestis officiis augere contendas. Nihil enim, mihi crede, est virtute pulchrius, nihil amabilius, nihilve firmiore possessione durabilius.

Præsta te tui similem; vince inimicorum tuorum cogitationem; atque obtrectatorum maledicentiam, prudenti tuâ simplicitate, atque verborum constantiâ confundas. Cogita, quæso, vir præstantissime, quid fuisti, quantusque es, quantusque futurus ab omnibus existimaris. Neque me ita contemnas; qui quamquam nunc nullus tibi videor, forte tamen aliquid esse possum, et vobis penitus non inutilis. Hæc si paulo liberius, quam deceat, [tibi] locutus sum, ignosce obsecro, animo duris

in rebus egestate oppresso; parce ignorantiae meae et da veniam imprudenti meae libertati. Nec profecto me vanâ spe tamdiu illudi admodum molestum esset, nisi me summa omnium rerum necessitas et propemodum desperatio perurgeret. Quoniam etsi (quod non mihi videtur verisimile) jam ferme annum in hunc usque diem, in tam amplissimo regno, nullum pro me beneficium vacaverit, viginti tamen libræ non tanti sunt ut ab illo potentissimo rege, uno omnium Christianorum principum opulentissimo, mihi misero, et de suâ Majestate non prorsus male merito, juxta promissa, non elargiri possint, te præcipue existente ejus rei sponsore; quem solum tanquam vadem, non injuriâ, interpellare possum. Vel igitur, amatissime Cromwelle, me libere in totum repellas velim, vel tandem promissum exolve, ne semper animi pendeam, et frustra expectando, meipsum perpetuo excruciem. De tuo nihil peto, mi Cromwelle; quod etsi peterem, in tali egestate constitutus ex Christianâ charitate, suo quidem jure, id mihi deberi existimarem, ac non injuriâ, reposcendum.

Orator vester jam multis abhinc diebus huc pervenit. Adhuc tamen Cæsari non est præsentatus; sed in diem audientiam expectat, tametsi Reverendissimus legatus nudius septimus longum habuerit cum suâ Majestate sermonem; quamvis non integre adhuc suæ sanitati restitutâ, occasione contusionis ex casu cum equo super dextero pede inter venandum apud Neosle, oppidum comitis Palatini, electoris, duodecimâ superioris mensis; cujus rei neglectu, et strictæ caligæ superindumento, necnon, ut vere loquar, medicorum incuriâ et disceptatione, ac intempestivâ oxycrocei applicatione, et humoris defluxu, exortum est erisipelas phlegmonides, febris, et pervigilium, unde opus fuit corpus purgare, et subinde varia localia mutare. Tandem devenit ad ulcerationem superioris cutis, ad plusquam sit manûs amplitudinem quæ, sedatis symptomatis, ferme ad cicatricem reducta est. Singula non narro, cum sis rei medicæ imperitus.

Maximi Turcarum apparatus terrâ marique, cum apud Constantinopolim tum apud Vallonam ex omni parte nunciantur. Quamobrem Pontifex Anconam, Cæsariani maritima Apuliæ et Siciliam summâ cum diligentia ac summis impensis communiunt. Cæsar statuit comparare classem quadraginta triremium subtilium. Quamvis tamen eas adhuc non omnes in-

structas habeat unà cum aliorum navigiorum non contemnendo numero. Veneti omnia sua loca maritima summis opibus muniunt, et centum triremes armare parant, seu quod sibi timeant, seu de more suo, armante Turcâ, et ipsi armant. Ob idque cum Pontifex duas decimas super ecclesiasticis ditionis Venetæ imponere vellet, id non admissere; sed potius ipsi ob eundem prætextum mutuum quoddam nunquam restituendum super præfatis ecclesiasticis imposuerunt; ex quo centum et viginti millia ducatos recipient, ultraque ducenta et quinquaginta millia recipient ex aliis gravaminibus super subditis suis temporalibus; reclamante Pontifice et sæpe (ut frustra solet) illis comminante. Quare, omnium iudicio, hoc anno Turca in Christianos movebit arma. Ceterum rei certitudo clarius cognoscetur per totum proximum mensem; quo tempore Turca semper solet movere castra, cum expeditionem aliquam paraverit.

Multos transfugas Neapolitanos et Siculos, quos non nomino, certum est ad Turcam ivisse, veluti belli invitatores et duces itineris; necnon Rhingonum quendam Hispanum transfugam illuc etiam se contulisse; quem jam quatriennium, si recte memoras, istic una cum episcopo Transilvaniæ forsan vidisti per mare proficiscentes ad Vayvodam seu regem Johannem Ungariæ. Tu cætera cogita.

Rex etiam Christianissimus, ut semper fecere prædecessores sui; pro tuendo regno Neapolitano quinquaginta millia peditum, tria millia cataphractorum, sex millia equitum levis armaturæ, et denique personam propriam constantissime offert. Verum hæc tam ingentia auxilia lætius audirentur si pro tuendâ Ungariâ mitterentur.

Vigesimo primo proximi mensis finientur induciæ inter Regem Rhomanorum et Vayvodam et Turcam, quamvis nunquam plene ab illis duobus servatæ fuerint, et nunc præcipue paucis abhinc diebus apud Lestrigoniam ubi non parvus Vayvodæ militum numerus, cum circiter mille et quingentis, Hispanos et Italos aggredi voluisset, insidiis ab illis excepti vi Archebursorum suæ perfidiæ pænas dedere. Aliud præterea est indicium [ventu]ri belli quod scilicet Alovius Griti, filius nothus Ducis Venetorum, Constantinopoli[tanis] ac Turcæ imprimis charus, a Vayvodâ factus est episcopus Gunalecchensis, ad cuius possessionem accipiendam [est profec]turus,

comitatus Turcarum quadraginta millibus equitum absque viz. bullis et annatæ solutio[ne].

Vide quæso, quo devenit Christiana religio. Atqui aliud est indi[cium] quod longe magis movet. Architrclinus regis Romanorum germanus et Leonardus de Nocarolâ Italus, oratores missi Constantinopolim a Bassa Bossing, nunquam impetrare potuerunt salvoconductum, seu viaticum, unde illic in confinibus coacti sunt expectare mandatum principis sui; quod haud dubie factum non est absque Turcarum regis voluntate, timentis ne illi apparatus suos explorent Viennâ; quæ hinc quadridui itinere distat, et longe minus per Danubium. Studiosissime communitur a quodam, ut ita dicam, poli ergo in muniendis urbibus peritissimo, jamdudum huc misso a Pontifice, qui, ut mihi rettulit, asserit propugnacula ex lapidibus semistructa oppidanis plus detrimenti quam juvamenti allatura, nisi perficiantur, quod ob celeritatem non nisi terreno et cespite fieri potest, et minus impendiosum erit, et contra tormenta bellica longe firmitus quam recentes muri. Verum si obsidio contingat, duo majora pericula imminere, unum per cuniculos; nam ab unâ parte suffodi potest; huic non occurritur per contra cuniculos; alterum et longe gravius, subita montis congestio ob infinitam Turcarum operariorum multitudinem, ac eorundem mirum vitæ contemptum, quemadmodum in oppugnatione Rhodiensi factum fuit. Ceterum huic discrimini unum remedium scitum est, in urbe scilicet e regione similis montis congestio; alterum subticetur, ne hostes illud prævideant. Maxima spes in Bohemis posita, sicuti superiore obsidione apparuit; ex utrâque tamen Bavariâ et Germaniâ non parva auxilia suppeditabuntur. Formulam prædictæ civitatis cum suis munitamentis tam factis quam fiendis habitam a præfato artifice ad te mitterem; sed quid inde mihi? Verum spero post pasca me illuc profecturum ac omnia oculis certius cogniturum.

Huc venit quidam miles religionis olim Rhodiæ, nunc Melitensis, missus a magno Magistro ejus religionis et a summo Pontifice ad hanc Majestatem ut ejus voluntatem intelligant de aliquo munito loco occupando in Siciliâ, aut Italiâ; quo se tueri possint, et Christianis prodesse, durante hoc bello; siquidem ob inopiam rei frumentariæ nunquam potuerunt in Melite insulâ aliquem locum sufficienter munire. Adhuc more solito nihil deliberatum est; non obstante tamen tanto Turcarum appa-

ratu non desunt qui affirmatissime asseverant, hoc anno nullum justum bellum contra Christianos a Turcâ futurum, sed potius pyratum et incursivum. Sunt præterea qui etiam justum tam terrâ quam mari penitus contemnant; hâc videlicet ratione subnixi, quod Germanorum potentia, præsertim Cæsare præsentē, omnem eorum impetum facile repellat; et quod in Italiâ parvo exercitu nihil perficiet, magno autem commeatuum inopiâ conflictabitur, cum Itali omnes tra[hent] bellum, omnes commeatus aut in loca munita comportabunt aut eos in agris igni vastabunt; sic diversa sive; atqui vereor ne sicut tempore Noe, ædificabant, nubebant, nihil de irâ Dei super universam carnem, ita nunc similiter accidet, si aliquis doctorum huc venit. Ex principibus Germaniæ hic non sunt nisi dux Fridericus [Palatin]us Rheni, Cardinalis Tridentinus, et Cardinalis Salzeburgensis. Episcopus Spirensis, Bambergensis nuensis, et status aliqui quarundam civitatum, ut Nurembergensis, et alii principes et status venient post pascha; Coloniensis Archiepiscopus non veniet Cæsaris permissione, seu potius viso se in hâc dietâ votum suum consequi non posse, id est collationem beneficiorum singulis mensibus quam a captivitate hujus Pontificis sibi usurpavit.

Dux Saxoniae elector morbo detentus, se excusatum misit; Attamen, post pascha, una cum Lantgravio Hassiæ hic expectatur. Dieta non incipiet nisi in fine proximi mensis; et sicut videre videor totam hanc æstatem nos hic detinebit, nisi Turca nos abire compulerit. Qui si pro certo veniet, erit in causâ ut materia hæreticorum leniter tractetur, verbi gratiâ, spe futuri consilii; quod tamen ad Kallendas Græcas celebrabitur, et quod omnium intentio ad sibi resistendum, necnon ad Regem Rhomanorum stabiliendum, præstitâ illi obedientiâ, suo ære alieno soluto, ac principum et statuum animis ei conciliatis. Superiore die dominicæ conventus Swaynburg fu[ere], quæ est civitas imperialis abhinc distans sedecim miliaribus Germanicis, duorum electorum, Palatini scilicet et Maguntini, et omnium principum et statuum hæreticorum, sive personaliter, sive per procuratorem, ubi per antedictos electores quidam articuli illis proponuntur ex parte Cæsaris. Quid actum sit aut quid agendum adhuc ignoratur. [Un]um hoc a fide dignis compertum habeo, eos nutare, neque bene contentos

esse præsentis rerum statu; bellum timent ac in Dei iram refferant indies crescentem omnium rerum penuriam atque suarum opum insensibilem delapsam; quæ forsitan verius ex eorum luxu et desidiâ proveniunt; quibus astricti sunt ob suam quam jactant libertatem evangelicam.

De statu causæ vestræ in urbe, quodve ejus rei hic sit judicium, quisve melior modus, tacere potius duco quam scribere; ne vos, (quemadmodum major pars hominum etiam facere solet) id quod aliquâ meâ dexteritate et industriâ, ob singularem meum in vos amorem et observantiam in sinistram interpretemini.

Vale et si pro me aliud facere non vis, saltem ad me semel brevissime, scribere digneris; ad quod si non te movet honestum jus veteris nostræ amicitiae, neque in proximum Christiana pietas, saltem te moveat tot mearum literarum importunitas. Scriberem ad illustrem et eximium Ducem Northfolciæ et ad Reverendum Dominum Wintoniensem, quem intelligo ex Galliâ jam rediisse, nisi in vanum me laborare existimarem. Tu tamen ambos meis verbis humillime salutabis. Salvebunt a me etiam Bonvisus tuus, Reverendus Dominus Petrus Vanni et M. Arondell quibus totum me tradas vellim.

Data raptim Ratisponæ M.D.XXXII. Die 21 Martii.

Tui devotissimus,

A. A.

Folded and addressed thus—

Magnifico, ac ornatissimo Domino Thomæ
Cromwell, Serenissimi Regis Angliæ
Consiliario meritissimo, Domino meo
plurimum observando.

Number CCLXX.

Original letter from Benet and Sir Gregory Cassali to the King, asking for his Majesty's recommendation of Sir Andrew Cassali to the Pope, on the score of the assistance he had given whilst Stokesley was managing the King's affairs at Bologna. Written March 22, 1532.

Record
Office.

SERENISSIME et Invictissime Domine noster supreme,
salutem.

Quoniam Dominus Andreas Casalius, eques honestissimus, plurimum semper operâ suâ et fide a Majestate Vestrâ meritus est, et eo præsertim tempore quo Reverendus Episcopus Londinensis Bononiæ negotia Majestatis Vestræ curabat, egregie se gessit, exindeque pro eâdem multum sæpe laboravit, nec veritus fuit præsidium Bononiensium et quorumcunque aliorum voluntatibus non obtemperare, et conatibus obviam ire, dignissimus nobis videtur pro quo sublevando et ornando opem nunc Majestatis Vestræ imploremus; nec quicquam aliud pro ipso petimus nisi ut eum velit suis literis commendare Pontifici, qui nuper, fisco Bononiensi consulere volens, cujus proventus aliquis in civium quorundam manus, qui comitatibus donati fuerant, deveniebat, comitatus illos omnibus ademit. Ex quibus unus fuit Dominus Andreas Casalius, quamvis exigui admodum momenti et redditûs comitatum suum a Clemente Pontifice obtinisset in præmium complurium et insignium suorum erga sedem Apostolicam meritorum. Scribimus autem ad Dominum Petrum Vannes, cujus tenoris literas Majestatis Vestræ ad Pontificem habere desideremus, ne ei molestiores simus, quam optime valere optamus.

Romæ die 22 Martii M.D.XXXII.

Ejusdem Vestræ Regiæ Majestatis humillimi servi.

W. BENET.

GREGORIUS CASALIUS.

Endorsed—

Serenissimo et Invictissimo Principi Angliæ et
Franciæ Regi Fidei Defensori Hiberniæ
Domino etc., Domino nostro supremo.

Number CCLXXI.

Draft of the letter to the Pope, prepared by Sir Gregory Cassali and Benet, asking for some provision to be made for Sir Andrew Cassali. Sent from Rome in the preceding letter, March 22, 1532.

POST humillimas commendationes et devotissima pedum
oscula.

Vitell.
B. xiii.
fol. 174.

Quanto studio et affectu omnem familiam [de Casaliis, quorum in nos officia ext]ant complura et fidelia, prosequamur, Sanctitati Vestræ compertius esse arbitramur quam quod necessarium sit enumerare. Summopereque cordi habemus quicquid nostrâ gratiâ vel operâ in eorum commodum et ornamentum [effici queat. Quum itaque inte]lligamus Sanctitatem Vestram in Magnificum equitem et nobis cum primis carum, ~~Dominum Andream~~ ^{Dominum} Andream Casalium, qui ut de S[anctitate Vestrâ ejusque rebus bene mereretur]ur nullos unquam labores sumptus aut pericula subterfugit, Comitatum quendam Montis Georgii non mag[ni proventus in suâ] Bononiensi ditione jampridem contulisse; postmodum vero non ut eidem Domino Andræe injuriam faceret, s[ed ut eâ ratione re]bus suis ex animi sui sententiâ melius prospiceret, hujusmodi omnes tam illi quam multis aliis antea con[cessos Comitatus in ditione] Bononiensi in suas manus revocâsse. Dictum igitur Dominum Andream, quem ob singulare suum erga nos s[tudium et am]ica præstita officia vehementer amamus, nostris nunc litteris volumus Sanctitati Vestræ commendare, rogareque, ut nisi [dictum Comitatum ei velit] restituere, de aliquo saltem alio in provinciâ Romandiolæ, nostro intuitu, et præcipuo precum nostrarum inter[ventu, nisi forte] ab eâ jam provisum esse audimus, providere non gravetur; idque eo ardentius a Vestrâ Sanctitate nunc petimus, q[uod præter amorem quo dictam] familiam de Casaliis complectimur, molestissimo quoque animo ferremus, ut quisquam ex hâc occasione suspi[caretur amicos nostros nostroque] tempore suis nunc

ornamentis spoliari. Hoc igitur desiderium nostrum, quam enixe possumus, Sanctitati Vestræ commendamus Gregorii, quum de uxoris jure jampridem controversam habet et quum intelligimus ex æquitate et sum bene favente facile posse terminari, ita ex corde Vestræ Sanctitati impræsentia commendamus ut ei simus hoc nom[in]e devinctiores] Dominoque Benet Oratori nostro mandamus ut, has causas eidem Sanctitati Vestræ nostris verbis copiosius com[m]endet].

Ex regiâ nostrâ prope Londinum Die³⁷
M.D.XXXII.

Aprilis

Vestræ Sanctitatis

Devotissimus atque obsequentissimus filius, Dei
gratiâ Angliæ et Franciæ Rex, fidei Defensor
ac Dominus Hiberniæ.

Endorsed in a different hand—

Sanctissimo Clementissimoque Domino
nostro Papæ.

³⁷ The blank has been left to be filled in after the draft has reached the king. The letter, in the altered form in which it was sent to the Pope, has been printed by Theiner, p. 602. Most of the passages

within brackets have been supplied from the corrected letter, but the latter part presented so many variations that some are from the editor's conjecture.

Number CCLXXII.

Ciphered despatch from Sir Gregory Cassali and Benet to the King, dated March 23, 1532, about the preferments offered to the Cardinal of Ancona and his nephew.

BY Frawnces the curror, which arrived here the thirteenth day of this present, were received your highness' letters, with the two letters of the bishopric of Chester; and as touching this bishopric the old man and the young are marvelously well contented, and cannot be more satisfied than they are with that which your highness hath written in your said letters; for they are conformable to that thing which we remained agreed with him, which is, as your highness hath perceived by our letters sent to the same, the 23th day of the last month; and so by that they are out of all suspicion, and so according to your highness' commandment they are contented not [to speed] the bulls of the said bishopric, but they will keep them till such time as Ely or some other bishopric more to their pleasure shall be vacant there, and at that time they are contented to render these letters again, so that they may in the meantime receive the temporalities of this bishopric, according as we wrote to your highness in our said letters of the 23 of the last month, whereof we put your highness now in [remembrance]; for it should not be to your highness' purpose that your highness should fault therein. And so as concerning the bishopric we are at a good point.

But as touching the Abbey in Fraunce which was now lately void, as we wrote to your highness, did gender no small suspicion and displeasure in the old man which we expected of his hope, alleging that the French king did excuse himself; since that, considering your highness did make instance for a benefice of a greater value, he thought that an Abbey of so small a value should not have satisfied your highness' friends; and so fifteen days before he was moved by your

friends; and so fifteen days before he was moved by your highness' ambassador with him, he had given it unto Cardinal Tournon, who is coming hitherward, and so sent unto him the expedition thereof; and furthermore for the better entertainment of the old man we said unto him that my lord of Wynchestre had obtained a promise of the French king that your highness shall have the next dignities which shall be vacant in Fraunce to the sum of six thousand coronas, so that the French king shall not hereafter feign any excuse by reason of the smallness of the value.

Wherefore, if hereafter any such should be vacant in Fraunce and that the French king should not perform any such promise, surely it should gender a new suspicion in the old man; and for to satisfy us, they were contented not to speed this bishopric at this time, as we have written above, but are contented to tarry till such time as any suspicion that may grow thereof, should not hurt your highness' purpose, and alonely will except the promotions which shall fall in Fraunce, under the colour that they are given to the proto-notary Cassalis, at the instance of me, Sir Gregory, the young man shall accept them upon him; and if ~~no thing~~ ^[shall come] unto them by this mean, they ~~will~~ suspect that the king's highness doth not proceed with them so sincerely as we have persuaded you will do. And so for this purpose as well for your highness' interest, seeing that the health of your highness' cause consisteth in the entertaining of the old man, as for their satisfaction for to shew them and to assure them that we have no doubt in your highness' promise, but that if any should be, it should proceed by obliviousness of the French king; We have agreed unto them to send this bringer, servant unto me Gregory de Cassalys, considering his good diligence, to the intent that he, upon your highness' pleasure known, may remain in the French king's court, there to enquire of those merchants and other which lieth there, for the knowledge of the vacation of the benefices which daily do fall in Fraunce, and as soon as he shall have any knowledge of any vacation he may resort to your highness' ambassadors in the said French court, that he may obtain of [the French] king the expedition of it to be sent to your highness, not expressing any man's name, but that there remain a void space for it.

And so your highness may convey it hither in diligence. And so by this mean your highness may seem [to have] obtained of the French king that thing which the same took to be for your purpose, or else considering the forgetfulness of the Frenchmen, nothing is to be trusted at their hands; which should not a little let your highness' purpose here; and to the intent that this thing should proceed after due order, we have ordained that the bringer Jeronimo should come unto your highness that the same, having full knowledge of the premisses, might send him to your highness' ambassadors resident in the French court with your highness' letters, that he should from time to time, upon the advertisement of the said Jeronimo given unto him of the vacation of any such benefice, as is above written, obtain them of the said French king; and for because we trust that no man living here in this matter, considering that if it should be known ever so little, this practice should be utterly marred, we therefore have instructed this same Jeronimo that this said benefice shall be for the protonotary Cassalys, and so as touching the jewel they shall need none to be sent, for they require it no more.

Sir, how much it hath imported, the having of this old man, we have seen it and daily do perceive it more and more. For when before they in the Court here, and chiefly the cardinals, had an ill opinion in your highness' principal cause, now for two words which the old man of late spake in favour of your highness' said cause, we see a mutation of their opinions, which was spoken to a good purpose, when the Imperials importunately cried for process in the principal cause, and spoke in like wise that we should not be admitted to the disputations, the old man at that time answered them that they knew not what they asked, in desiring so much to come to a sentence, and said unto them,—Think you to come to a sentence *in pœnam contumaciæ per contradicentes*? They answered that they thought they might have a sentence by that way, seeing that your highness will not come unto the cause, and that . . . nothing is alleged against the matrimony, and that they need not to bring no other thing for the justification of it than the instrument of the matrimony, and that they needeth not to bring in the dispensation, the old man answered that they

were in a great error, and said that the cause is of that importance that process should [not go] by the contradiction.

And when they said that they should not need to bring in any dispensation, the old man said that was not true, and turned him to the Pope and said,—Doth not your holiness know that the queen was Prince Arthur's your highness' brother's wife? and said, if his holiness would pretend ignorance thereof, he could not do it, for it was notorious. And if his holiness did not know it before, he said that then he told his holiness of it, and afterward said constantly to him that his holiness could not give sentence in the cause; but that the bull must be produced, and when it should come to be examined, the matter being so doubtful, he said unto the Imperials that where they thought to have a sentence for them, peradventure they should have it against them. And this the old man did set forth with so many great reasons that both Mychael Mayo and Mussetula the emperor's ambassadors, which hath been always so furious in this cause, were astonyed and had no word to say, but said that he spake *sancte*, which was a thing much *insolite* unto their temerarie. Furthermore, as touching the matter excusatory, hitherto it hath been sustained against the opinion of all men here, by these disputations, which although we see that they have displeased the cardinals which saith that it is not for the honor of the Pope and this see that the disputations should be so often in the consistory, and also that the Imperials lamenteth them and crieth out and protesteth against them, as the king's highness shall perceive by the common letters sent by Master Kerne and Master Boner and me William Benet; yet we see that in the despite of them, all by the mean and policy of this old man, [that the] disputations hath hitherto continued and shall [last till after] Easter before the Pope in congregation, upon the rest of the conclusions; and this the said old man hath used for a mean to differ [further] process in the principal cause, but considering this opinion upon the matter excusatory, [for]asmuch as he hath declared at the b[eginning] the same to be against the said matter, h[e cannot] with his honor revoke his opinion unless [that he] might see some better ground than he h[ath seen] yet; which if he may perceive after the disputations be done, so that he may with his honor [commute] his first .

opinion he will stand for of the matter or else he saith he cannot Nevertheless he said that after the said disputations shall be ended, he will instruct us what we shall do, and how we shall order the letters [to be] sent, for the admission of the excusator to [all good] effect that may come of them, as well for [the] admission of the excusator as for the delay of process in the causes; and as for the principal cause, he saith that your highness coming in the cause and proving that the queen was known by Prince Arthur, he saith plainly, *Quod dabit votum suum in favorem Majestatis vestræ et procurabit attrahere omnes in votum suum.*

And, sir, because we might see what may be proved *circa carnalem copulam*, we have shewed him the attestations that Master Carne brought with him, which as yet he could not peruse, by reason he hath kept his bed this eight days or nine of the gout. Further, the old man saith that if your highness might prove *quod ante matrimonium contractum, inter Majestatem vestram et reginam, multo dubitabant de dispensatione, ita quod illa fama reverâ pervenerit ad aures reginæ vel quod verisimiliter pervenire potuit ad aures ejus, in tali casu*, he saith the matter were more clear, and what your highness can prove hercin he would that you send word to us.

Touching any obligation to be given of the old man's part for the performance of this his promise, we see that there can no better be given than by providing the revenues for them which they desire there and in France, as we have written in our last letters; for if they had them and should not perform their promise they should not alonely lose that, but also all that they have besides, and their reputation for ever; and furthermore we see that they take this cause now at heart as much as it were their own, and this all by the reason that we put them in a sure hope [that] the said revenues shall come unto them; and, sir, if we should make any difficulty to them now, they being so earnestly set of your highness' part, we should but p[ut] them in doubt; whereby we should not have that effectual relief by them as we perceive they now intend to shew in your cause.

And thus most heartily we commend us unto your highness,

beseech[ing Almighty] God to conserve the same in felicity
ma[ny years].

Written at Rome 23 day of March.

Your highness' [subjects]

servants

and bedesmen,

[W. BENET.

GREGORIUS CASALIUS.]

Endorsed—

[The] King's Highness³⁸.

³⁸ This despatch is written entirely in cipher, and is interlined in decipher. There is another contemporary decipher at fol. 151 of the same volume. Both are very badly executed, containing several mistakes and omissions, and both

are very much mutilated by fire. The text has been arranged by a comparison of the two; the words which are lost in both, having been supplied by conjecture, are placed between brackets.

Number CCLXXIII.

Holograph letter from Augustine to Cromwell, giving various intelligence about the Turks; written from Ratisbon early in April, 1532.

MAGNIFICE ac observandissime Domine, humili commendatione præmissâ etc.

Vitell.
B. xxi.
fol. 82,
al 92.

Quas ad te dedi ultimo litteras datæ hic fue[runt die] 21 superioris mensis; quas si abjecto animo et propemodum invitatus tibi s[cripsi], has nunc fractus penitus et plane nolente animo, sed (ut fieri solet) in extra rei adhuc semel experiendæ gratiâ me ad te scribere existimare potes. Et . . . mehercle non injuriâ. Nam quotus quisque est vir aut in magnâ dignitate constitutus aut capitalis hostis; qui totiens rogatus et literis lacessitus semel tantum respondere vel non dignetur, vel non inclinetur. Siquidem cum mihi ipsi te de hâc longâ cessatione excusare conor contendoque, nullum certe tuæ excusationi patere locum video. Te enim multitudine occupationum obrutum, quominus mihi respondeas credere nullo pacto adduci possum. Vulgaris quidem est [ista] excusatio, nec nisi vulgari homini acceptabilis. Dices forsân te prius nolle ad me rescribere, nisi re omni ad lætum exitum prorsus deductâ, in quam omnibus viribus eniteris. Sed ne non gravi vel apud iniquos iudices cum totiens interpellatus ne verbum quidem eloqui digneris, ita nunquam . . . meam aut cujusvis qui auctoritatem tuam videt vel audit, cadere potest virum tantum apud tantum principem in amplissimo ac opulentissimo regno in paucissimis charum, sacerdotiolum unum pro amico et servitore suo jam ferme annum adhuc impetrare non potuisse; cum tot jam certo scio sæpe vacaverint; et animus tuus (ut mihi persuasum habeo) a me non sit alienus. Equidem ego nihil a vobis peto nisi quod meum est, vel posteaquam sic vobis placet, quod meum fuit, sin minus æquivalens. Quod si neque servitus mea, non minus laboriosa quam periculosa sub duobus

non contemnendis membris illius inclyti regni, per quam victum qualemcunque, quietem, et viaticum senectutis meæ tandem adeptum putabam, neque merita mea, qualiacunque fuerint postea a vobis discessi, id gratiæ ab illâ serenissimâ et invictissimâ Majestate impetrare non merentur; saltem hoc tuo favori tuisque meritis condonandum postulo, et tibi acceptum refferam veluti a benefactore et unico patrono meo observandissimo. Respondebis forsitan, te id summopere cupere, ceterum expectanda meliora tempora. Interim victitem meo sucro in cujus responsionem tibi brevit[er narra]bo facetiam, quæ mihi nunc in mentem subit (quamvis animus meus nihil minus quam facetias cogitet).

Judæus quidam in terrâ Italiâ, nescio quo spiritu ductus, baptizari voluit, siquidem, (ut proverbio dici solet) baptisma Judæi sit una ex aquis irritis et perditis, ac de jure Pontificis coactus renunciare non parvis opibus suis, utpote malo quæstu et usuris acquisitis; quæ res quantum sit conveniens, cum per baptisma remittantur omnia peccata tam originalia quam actualia, et longe graviora in dies dispensentur a Pontificibus, et hanc ob causam multi infideles retrahantur a lavacro fidei, alii viderint. Cum igitur iste neophytus cogeretur mendicare, et omnibus (ut fit) potius miserentibus quam adjuvantibus ipsius victûs duritiam, incidit in febrim, et ventris profluvium, unde in xenodochium languentium delatus, ubi crescente vi morbi in dyssenteriam seu difficultatem intestinorum prolapsus est; quâ, moribundo similis, in grabato suo unâ die cum solus esset derelictus, obrepsit ad requisita naturæ ad cœmeterium quoddam viridans xenodochio satis propinquum; ibique alvo levato ac non parum sanguinis (ut in tali morbo contingit) excreto; cum aliquid quæreret, quocum pudenda detergeret, fortefortunâ ei ad manum venit sudariolum quoddam a certo mercatore illic amissum; in quo gemmarum et lapidum pretiosorum maxima vis erat innodata. Expleto igitur munere suo, miser ille, ultra quam credi potest gaudens, rediit ad grabatum suum. Ceterum paulo post cum sanatus esset, divenditis illis pretiosis rebus, atque inde emptis magnis latifundiis, non amplius mendicavit, sed cæpit genio indulgere; q[uem] cum multi Christiani congratularentur de partis divitiis, causam tamen rei ignorantes, ac fidem nostram extollerent, illud evangelicum sæpius inculcantes, *centuplum*

accipietis etc ; subridens ille, verum inquit dicitis, sed tamdiu expectavi donec caverem sanguinem. Sic vereor, amantissime Cromwelle, ut id mihi eveniat antequam a vobis aliquod habeam auxilium (si modo unquam id habiturus sim). Immo vereor ne prius mihi exhalanda sit anima, quemadmodum longâ et vanâ expectatione contigit infelicissimæ memoriæ Reverendissimo hero nostro, quemadmodum tu optime nôsti. Si itaque mihi bene facere vultis, prout (nolo dicere mea merita præterrita, præsentia et futura ; sed ut) honor, splendor et liberalitas vestra omnibus nota, suo quodam jure expostulant, rogavi per Deum optimum maximum, et immortalem id cito faciet. Si vero vobis alia mens est, mihi pergratum esset hujuscemodi vanâ spe liberari, vel primis literis tuis vel verbis ad[juvari.]

Ceterum quia necessitas omnes vias tentare cogit ac omnem movere lapidem tum mihi tam multos annos cum sub recolendæ memoriæ Reverendo Domino Wintoniensi tum sub felicis recordationis Reverendissimo Domino Cardinali non vulgaris intercesserit amicitia inter me et D. Thomam Elioth, paulo ante hac oratorem vestrum, propter virtutes illius quas semper anavi et amplexatus sum, sicuti e contra ille propter forsam aliquam de me conceptam virtutis opinionem, cumque cresco in diem magis ac magis ob mutuam conversationem ; in quâ cum fol. 83. sæpius de calami[tatibus meis] incideret sermo, non potuit vir ille optimus, eum ad id impellente bonitate [mentis] suæ et familiaritate nostrâ, non sæpius ærumnas meas non indolere et congemiscere, a[deo] est ferventis spiritûs in piis causis, omnem operam suam mihi pollicitus est, ac tecum quo omnem spem meam positam post Deum illi frequenter solitus sum prædicare, omnia communicaturum necnon tuo consilio in mea a te velle et cupere dirigi si inde forte aliquid fructûs possit provenire. Id etiam postremum, cum hinc discederet, efficacissime promissit maximo certe sui omnium ordinum, immo totius hujusce aulæ relictæ desyderio, adeo quod omnium judicio hoc ausim dicere quod nemo ex illo inclyto regno jam multis annis exierit rebus gerundis aptior, principibus gratior, ac tam diversis nationibus accommodatior. Atque in eo verificatum est illud Sapientis dictum,—Magistratus scilicet virum ostendit. Hunc igitur præstantissime Cromwell cui non parum amantem, et ingenii tui admiratorem in hâc meâ causâ foveas, dirigas

et adjuves velim, si forte tuo consilio, ingenio et industriâ ambo conjunctis viribus mihi aliquid boni acquirere valeatis. In te tamen unico et potissimo præsidio omnis spes mea posita est, ut tu qui incepisti hanc Provinciam eam etiam læto incessu perficias. Ne igitur quæso moleste ferras si per eum tanquam subministratorem tuum tento causæ meæ expeditionem, aut, si per alios tentavero, nam id ago (ita me Deus amet) non quia tibi diffidam, in cujus manibus vitam meam ponere velim, sed ut magis sis animatus ad negotium meum perficiendum, et ut junctis studiis opibusque tandem res ista mea aliquem consequatur eventum.

Conventus apud Swynforth id est porcorum valle, quemadmodum tibi scripsi, dilatus est usque in præsentem septimanam. Convenerunt cum duobus electoribus Maguntino scilicet et Palatino, Lantgravius Hassiæ et dux Saxonæ, primogenitus Joannis electoris, cujus pollex dextri pedis amputatus fuit, quia gangrenâ correptus erat, quæ postmodum versa erat in sfacelum seu syderationem. Suus hic agens dicit eum deploratum esse. Multi asserunt eum jam mortuum. Offeruntur conditiones istæ potissimæ Lutheranis ut scilicet bona sua ecclesiasticis restituant, ut permittant concionatores Catholicos in locis suis publice concionari, ut sacerdotes non amplius conjungentur deinceps, sed qui conjugati sunt, maneat usque ad futurum concilium, quod sicut alias tibi scripsi futurum arbitror ad Kalendas Græcas. Primam conditionem existimo eos non admissuros, quia nimis derogat propriæ utilitati, alias forsan, nisi Turcarum adventus eos perterritos præfati concilii. Eo conventu utcunque finito, huc omnes se conferent ut Regi Romanorum fidelitatem jurent juxta veterum morem.

fol. 83 b.

De Turcharum adventu nihil adhuc certi. Cæsar tamen pro suâ mirâ providentiâ, omnia disponit tam hic quam in Italiâ. Hic convocavit multos Germanos doctores; solum deest milites conscribere, quod intra mensem facile fieri potest, exeunte præsertim promptâ pecuniâ; statuitque sua Majestas et id non diffitetur, tametsi Turca ob multitudinem equitum multum vastet regionum, recta velle personaliter contendere ad portam, id est ad ipsius Turcæ personam, ubi robur fuit exercitûs una cum c^m peditum et xv^m equitum, computando peditum xi^m et equitum viii^m sibi paravisse a principibus Germaniæ

in conventu Augustensi quodocunque Turca aggredere-
retur limites Romani imperii; residuum autem proprio sumptu com-
parare vult ex redemptione regis Christianissimi quam ser-
vavit in hodiernum usque diem ad tutelam regnorum suorum,
ut quatuor mensium spatio quo Turca bellare potest contra
Ungaros bellum prorsus finiatur. In quo conflictu si divino
ait auxilio vicero, alios Christianos principes animabo ut et ipsi
tantæ victoriæ successum contra Turcas arma moveant et
mecum pariter eos ex Europâ deturbent. Si autem adversâ
fortunâ victus fuero, per me non stetit meis non solum exhaustis
thesauris et omnibus viribus meis expositis et denique cum
maximo discrimine capitis mei Christianam Rempubicam ad-
juvisse et bonum exemplum posteritati meæ tribuisse.

Ceterum vereor ne Turca si voluerit detrectare certamen, se
in aliquo loco naturâ et arte munito continendo, cum sit longe
equitatu potentior, hoc tam sanctum et salubre propositum
irritum faciat, et ne is qui eum obsidere voluerit idem in-
terceptis commeatibus obsideatur. Verum Deus Sabaoth et
exercituum solus est ille qui victorias tribuit. Ad partem vero
Italiæ cum sint omnia loca maritima optime munita nec
Turca possit classem suam appellere nisi ad litora vadosa quæ,
cum plurimum sint periculosa, etiam magna navigia non ad-
mittunt, quibus aut equites aut magnus numerus commeatuum
advehi possit. Quare non multum incursare poterit vastando,
nec diu alere exercitum poterit, importatis omnibus comme-
atibus a Christianis ad præfata loca munita, præcipue immi-
nente cervicibus suis Marchione de Guasti, qui nunc profec-
turus est Romendiolum. Dedi ad trutinam, addito supple-
mento Italarum peditum exercitui Hispano, ut in totum sint
xx^m peditum, exeunte etiam Andrea Auria cum classe circiter
triremium quinquaginta exceptis navigiis diu
. quibus et Italiæ et Siciliæ poterit suppetias ferre
et semper hosti a tergo instare. Quare aiunt nihil timendum
esse ex mari, ex terrâ autem parum, cum Cæsar sit hic præsens
qui mavult Turcam hoc anno venire quam sequenti cum ipse
esset in Hispaniâ. Hæc instantis belli remedia.

Number CCLXXIV.

*Ciphered despatch from Benet and Sir Gregory Cassali,
written April 29, 1532, referring to the promotions offered
to the Cardinal of Ancona.*

Vitell.
B. xiii.
fol. 181r.

Negociation with the old man about the
Rome for the Divorce before the first s

PLEASETH it your highness this to advertise [the same
that on the] third day of this month we received your grace's
[letters of the 21st] of the last month concerning the tempo-
ralities of the bishoprick of Chester, the [old]
man, if that none otherwise; but that they shall have the
value to come unto them, as your highness hath
written e our other letters, We hath declared
. re as concerning any bond to obl[ige them to]
the performance of their parts, that [if your grace] be frus-
trated of your purpose, resolu[tion othe]r we cannot have of
them than the losyng [of their] reputation and honor with
the in ter ryte that they look for, as
in our letters [of the eleven] and twenty of February were at
large [declared and writ]ten unto your highness, unless we
should, attempting [some other] thing of them, should so alien-
ate the old man [from the] moode that now he is in, whether
we should not have had [such] help of the same as we had,
and trust to have [for] the old man to stand earnestly for
the ad[mission of] the matter excusatory.

Verily Sir [We think we] have done as much
as could be. Nevertheless [for as] much as he saith that
in his conscience [he thin]kyth the matter not relevant in
the law, and [that as he] at the beginning thereof declared
[openly his] opinion, He cannot, saving his honor, [truth, and]
conscience, go from his fyrst opynion, [unless that] he might
see some good ground, that he may do it fically that
fol. 181 b. no man should conceive [ill of] his so going; and he saith
furthermore that [he b]eynge recovered

and able to study, he would peruse [and] oversee the allegations made in the opyn dys[cus]cionse of the matter. And if he can find any [good] ground in them for the admission of the matters, [he sh]old stand effectually for the same, and for to make the[m more] easier, albeit the Imperials have made great [suit and] labour that the Rote should refer in this matter, which we know [will be] against us, he hath so conveyed the matter with the[m that] they cannot refer in no wise their opinion in it, but that the Dean of the Rote, to whom the matter was [referred], shall only shew in the Consistory all the [proc]esse made before him in this matter to this present day, whereby the Consistory may be informed [in wha]t state the law standeth, in not shewing the opynyon of the Rote in this matter, but the same wholly to [remai]ne in the judgment of the Pope and the Consistory. But [as to] alluring of the Cardinals their friends to adhere to their opinion in this matter, and the [pr]yncipale matter with all other, the old man saith that th[ere] is no Cardinal so his friend that he dare open hys mind, and declare that he doth so much favor your highness' case [and in]tend to set it forward; for, if he should so do, he thynketh [ve]rily that our practice now entered with him [will be th]ereby disclosed; which should be to the utter loss of [reputat]ione and opinion, and the frustrating [of your grace's matte]r; and veryly Sir we see the estimation and authority of this o[ld man to be so fol. 184.] great] in this court that in matters of law [the Pope and the] Consistory doth never resolve th[em] but according to his opinion, and [if in any] sense they doo it, if it be against [his opinion]e, they upon his advertisement doth [chang]e; as we have in effect seen in this [case], specially with the beginning of the disputa[tion]; for when at the beginning the Imperials [made] great suit and labor that there should have been [one] disputation for the whole conclusions to be done in the Consistory and that in [case that] the Cardinals did incline on th[is] Pope and Cardinals would not resolve them[selves] but according to his opinion, [the] Pope from time to time sent to him l[ying] in his bed, to know what should be done, [inclining] himself always to his opinion; and thus hitherto all things have proceeded in this form [by] reason of the estimation and authority [of the] old man,

which, in any thing diminished, [would be to the] utter loss and decay of all your highness' matt[er; and your grace by] this may perceive, if he should by any act [compromi]se himself, how much prejudicial [it should be] to your highness' purpose; and for to kepe this [matter sec]rete we have ever more made demons[tration of the same.]

fol. 184 b. The Cardinall de Monte is our chief captain, upon whom we make our chief ground and the olde man to be adverse unto us, to the intent that not [the] Cardinal de Monte, being learned, and nex[t in] authority and estimation to the said old [man], might be a buckler and shadow to cover our [proce]dyngs, that they should not appear, but also that the said [Card]inal de Monte, and the said old man should not be con[trar]ye in opinion in such things as [migh]t be greatly prejudicial unto your highness, and very ir.

For this purpose, and the better animating [and en]couraging the said Cardinal de Monte, it [should be] well done and expedient to your highness' case, that your highness write [other] most kind letters to him, and also to write your-[self] like letter unto the bishop of Arimina, being [the] most in favor and credit with the said [Car]dinalls, and he that can dispose in all things w[ith] him, by whose help and good means we have ac[quir]yd the favor and help of the said Cardinale, [espec]ially declaring unto the said bishop that we [will] be means to your highness for to write unto France for the preferment of [the] said Cardinal; which the French king may do without [incurrin]g any suspicion, for as much as the said [Cardina]le being of great estimation, and authority [the]se 20 years hath always followed the [French king's matter]s here in the court and yet hitherto [hath had nought] in recompense of the French king, so that the pr[omotion] rode be taken for recompention of the
 fol. 185. said doings, and Cardinal would recognise . . .
 your highness.

And where your highness would we should severally a[s of our]self persuade the Pope that the coming [of an] army into Italy, and the great danger [like to] ensue to his dignity by reason [of the same] for that to follow such offertures as [hath been made to] him heretofore on your highness' behalf or else tate otherwise for the preservation [of him]self,

we have according to your highness' c[ommandmen]te done the same; but as yet we can[not make his] holiness believe that the Turke is other [himself prepar]yd to come or send any army [to Italy] this year; for his holiness hath es[pies dwellin]g at Constantinople, which daily [doth adver]tys him of such preparation[s as are made] there by the Turke; and by the letters o[f the] . . . day of Marche last, he was advertised [that the] Turke hath not made such preparation as [to send] any great power this year in to It[alye]. He] hath not in all the world above thrée score g[alleys], yet of these many inarmed; but the Turke [maketh] great preparation by land, and doth [intend in] his own person to go into Hungarye and [as it] is thought to the parts of [Germany]; and the emperor by letters of the eight [of this] [mo]nethe hath written in fol. 185 b. conformity of the same; for the [emperor] hath resolved with himself to rest in Germany, [to see] what the Turke will do, and if that he come in his owne [pers]on, he likewise in his own person with a . . . ythe thousand men will meet him in the field; and if the Turke do not come in his own person, but send a great [army th]ere, then the emperor will remain there, as he is, and send [an] army against them; and this he hath offered [the] Pope to do by his letters written with his [own] hand, and to spend his substance and his bo[dy] and life for the defence of Christendom, though [no oth]er princes help thereunto; reknyng, to have by the [grac]e of God one of two victories, either in body [agai]nst the Turk, or in soule, being slain in such [cau]se; by reason whereof we could not prynte feare in the Pope's head, to follow any overt[ure] that we made unto him; and being now of late the Pope advertised, as well by letters from Vienna as other[wi]se, that Abraham Bassa should shew the ambassador of Venice with the great Turke, that the same had given in commandment to his admiral that he should take all [sh]yppys of Christendom for enemies, except of France, England, and Venice, and that he should not only [spare] any of them, but also that he should do anything that the French king should command him . . . thereof, ne inculcate the promises that him least his holiness . . . any intelligence between your highness . . . meeting of the Pope and the emperor at his return into Italy,

verily that we could never dissuade h[is holi]nes from hyt;
for he hath utterly [resolved] himself upon it, as far as [we
can] perceive. Yet we may nevertheless [do] our best.

And thus most humbly [we commend] us to your highness,
beseeching Almigh[ty God to] conserve the same in felicity,
wealth, and [honour many] years³⁹.

At Rome the 29 day of Ap[ril 1532].

Your highness' mos[t bounden]

subject, servant [and bedeman]

W. BENET.

GRE[GORIUS CASALIUS.]

³⁹ The editor has found it impossible to represent the above document with grammatical accuracy, partly owing to its mutilated condition and partly to the fact that the decipher and cipher frequently do not correspond exactly. It is

printed exactly as it stands in the MS. The sense of nearly every part is intelligible, and in many cases might have been made clearer, if the editor had undertaken to make corrections either in the cipher or in the decipher which is interlined.

Number CCLXXV.

Copy⁴⁰ of the last form of Submission which the King required of the Clergy. May 15, 1532.

WE your most humble subjects, daily orators, and bedemen of your clergy of Englande, having our special trust and confidence in your most excellent wisdom, your princely goodness, and fervent zeal to the promotion of God's honor and Christian religion; and also in your learning far exceeding, in our judgment, the learning of all other kings and princes that we have read of; and doubting nothing but that the same shall still continue and daily encrease in your majesty;

First do offer and promise *in verbo sacerdotii* here unto your highness, submitting ourselves most humbly to the same, that we will never from henceforth presume to attempt, alege, clayme or yet put in ure, or to enacte, promulge or execute any canons, constitution or ordynauce provinciall, or by any other name whatsoever they may be called in our convocation in time coming; Which convocation is always, hath been and must be assembled only by your high commandment of writte; Unless your highness by your royal assent shall license us to

⁴⁰ This document has been printed from a contemporary copy, existing in the Record Office. It appears to be the same with the copy marked (B) by Atterbury in his 'Rights, Powers and Privileges of an English Convocation,' Appendix VI. p. 537.

There are several copies in MS. with considerable variations of expression, probably indicating the great difficulty there was in satisfying the king.

It has been printed probably from nearly every form in which it exists in contemporary handwriting. It appears in Wilkins' Conc. iii. p. 754,

with the usual suspicious reference to Warham's Register in ann. He probably took it from the Yelverton MSS. No. 12, fol. 63 b., but it is incorrectly printed.

Another copy exists in the Yelverton MSS. No. 25. Both of these had been seen by Atterbury, and have since been collated by the present editor. Collier transcribed the copy in the State Paper Office, but printed from Atterbury, who took his copy from the MS. No. 12, and states that No. 25 agrees exactly with it, which is not strictly true, though it is evidently copied from it.

make, promulge and execute the same, and thereto give your most royal assent and authority.

Secondly, that whereas diverse constitutions and canons provincial, which hath been heretofore enacted, be thought to be not only much prejudicial to your prerogative royal; but also overmuch onerous to your highness' subjects, it be committed to the examination and judgment of thirty-two persons, whereof sixteen to be of the upper and nether house of the temporalty, and other sixteen of the clergy, all to be chosen and appointed by your highness. So that finally whichsoever of the said constitutions shall be thought and determined by the most part of the said thirty-two persons worthy to be abrogated and adnulled, the same to be afterwards taken away by your most noble grace and the clergy, and to be abolite as of no force and strength.

Thirdly, that all other of the said constitutions and canons being viewed and approbate by the forsaid thirty-two persons, which by the most part of their judgments do stand with God's laws and your highness', to stand in full strength and power, your grace's most royal assent once impetrate and fully given to the same.

Number CCLXXVI.

Letter from Augustine to Cromwell detailing the news of the day; written at Ratisbon May 16, 1532.

MAGNIFICE Domine ac patrone observandissime, humili
commendatione præmissâ. Record
Office.

Si tu adeo in meis negotiis sollicitus esses, perinde ac ego in tuis, jamdudum profecto illa essent expedita et ego anxietudine mearum literarum non ita tibi molestus essem. Verum largius, jucundius, et lætiore animo (ut mihi par est) literis meis te salutarem.

Ceterum tu, in omnium rerum opulentiâ constitutus, omnimodam meam necessitatem nec vides, nec ullo pacto cogitas. Quinimmo, si amiculum meum ultro ad te vocas, cum tibi sese offert, cum illi continue procrastinando diem statuis secum, ut ad te veniat accepturus pecuniam, tibi videris egregie juri veteris amicitiae, præmissis tuis, officio boni viri, et denique Christianæ charitati, satis fecisse; quod vellem ut semper in animo haberes, quod mihi et aliis dictitare solebas, Reverendissimum nostrum herum non ob aliam causam ita omnibus hominibus exosum fuisse quam propter illam longam suam procrastinationem, et plurima verba factis vacua.

In hoc nollem te eum imitari, in ceteris vellem. Immo potius te ipsum imiteris velim, hoc est virum optimum, promissi servantissimum, officiosum, et vere dignum tanti principis gratiâ, atque totius illius regni singulare spectaculum. Crede mihi, vir præstantissime, his virtutibus tanquam solidissimis fundamentis accresces, non captatione auræ popularis, non vulgi moribus, qui in vanitate verborum consistunt, illudere amico, prudentiam esse existimantes. Hæc dixisse volui, quia nunquam adduci possum te adeo multitudine negotiorum distineri, cum noverim ingenium tuum longe plurium capacissimum, ut semihoræ spacium mihi impartiri non possit.

Ergo si talis es, qualis mea et omnium qui te nôrunt, est

opinio, si unquam a te mihi aliquid sperandum est, nunc, nunc totis viribus in rem meam incumbe, ac eam utcunque expedias, rogo; rem enim mihi facies gratissimam quam qui maxime.

Cæsar cum die Ascensionis prodisset cum aliis principibus ad ecclesiam Dominicanorum, ac cum postridie illius diei satis belle sibi esse existimans, statuisset ire venatum ad octo dies ad locum hinc distantem quatuor miliaria Germanica, sicuti superioribus tibi significavi, præmissaque essent impedimenta, sub vesperum ejus diei cum stans alloqueretur unum ex suis familiaribus, ecce repente in tibiâ, ubi fuerat apostema ex defluxu novo humorum, maximus dolor subortus est, compluresque vesiculæ apparuere; a quibus ruptis non exiguus humor citrinus, qui ostendit misionem flavæ bilis cum pituitâ tenui salsâ, aliquamdiu demanavit. Quare ejus profectio intermissa est. Hoc unum fuit Suæ Majestati non parvum solatium, de se maxime dubitanti, ne quodammodo jure hæreditario simile quidpiam sibi accideret quod accidit Maximiliano Cæsari, Philippo patri, ac Dominæ Margaritæ, qui diu tibiis laborârunt. Qui supervenit instantissime accersitus sequenti die episcopus Bagnariensis ab urbe, eximius certo chyrurgus et diu apud suam Majestatem exploratæ fidei: qui, contra ac alii, attrahit humorem ut melius effluat, et brevi prospera promittit.

De adventu Turchæ, et potissimum personaliter, adhuc incertum, nec credo certitudo haberi poterit per totum Junium. A mari nihil dubitatur.

Apud Swynforth ille conventus finitus fuit sine ullâ compositione. Elector Palatinus et Maguntinus, qui in viâ erit obviam electori, Brandenburgensi fratri suo intra quatrimum expectante, et jam Fredericus Palatinus, Othericus Dux Brunswicensis illis obviam profecti sunt. Vagatur tamen fama Ludderanos principes habituros congregationem quandam apud Coleren in confinibus Saxoniae et Franconiae, inter se solos; et hoc (ut superioribus meis tibi scripsi) ut de industriâ trahant resolutum responsum, quoad certitudo Turcharum adventûs illis comperta fuerit.

Don Petrus de la Cueva et cæteri a Cæsare et a rege Romanorum missi ad Rossoniam in Ungariam, sicuti meis datis 27 ad te copiose scripsi, redierunt ex illa dietâ. Nuncius autem ille Apostolicus, per breviorē, id est per forum Julii in Italiam reversus est. Nihil aliud egerunt nisi quod a sententiâ regis

Joannis et Vayvodæ illud Rachos totius regni Ungariæ tunc duobus diebus dissolverunt.

Ex Venetiis jampridem habetur Capitaneum Ringonum, transfugam illum Hispanum, de quo primis meis ad te, conscendisse triremem jam navigationi destinatam, ut ex Venetiis tuto ad Segnam in Dalmatiâ et inde ad Vayvodam possit contendere, eam ob causam (ut inquit) ut nomine regis sui quomodo aliquam compositionem inveniat inter regem Romanorum] et regem Joannem olim Vayvodam; et jam hic intelligitur eum ex Segnâ discessisse. Tu cætera cogita.

Exiit edictum a Cæsare Augusto, bannum imperiale vocant, contra Albertum ex Marchionibus Brandenburgensibus, olim magistrum ordinis S. Mariæ Theutonicorum in Prusiâ, nunc vero Ducem Prusiæ se appellantem; qui quidem frater est Georgii Marchionis Binn et patruelis Maguntini et Joachini electorum; quia sit hæreticus, et contra religionem suam jam septem annos duxerit in uxorem filiam Ducis Holstatiae, qui expulso Christierno factus est rex Daciæ: Sed originem istius ordinis, et quando et quomodo de gentilibus acquisiverunt Prusiam et quæ diuturna bella habuerunt cum Polonis, sciens nunc pertranseo.

Putant aliqui ex hoc edicto parum illi detrimenti accessurum, modo Rex Poloniæ nolit illi adversari, quod verisimile mihi videtur; cum sit ei ex sorore nepos: quæ adhuc vivit ac ei (licet contra su . . .) feudatariam reddiderit Prusiam. Cognati ejus unanimiter illi adversantur, et Magister Livoniæ et cæteri milites illius ordinis qui non possunt esse nisi Germani nobiles.

De successu Christierni Regis Daciæ, cum nobis sit propior, tibi recensere non immoror.

Vale, et te bonum virum ostende et mei amantissimum, quemadmodum ego tui, et observantissimus sum.

Ratisbonæ M.D.XXXII. Die 16 Maii.

Tui devotissimus

A. A.

Quorundam est opinio et non infimæ sortis hominum, nos intra mensem hinc discessuros versus⁴¹

⁴¹ The word here is illegible.

(Hyspruch vulgus vocat), exeunte præsertim hoc cœlo Cæsari non admodum salubri, omnium suorum medicorum consilio. Verum ut res sunt in cardine, quas ad te scribere nec possum, nec expedit, ut consilium non nisi in harenâ capiendum sit. Florentiæ nescio quid novi nunc subortum est, Pontifice nolente creare duodecim viros cum plenissimâ potestate, ac arcem inibi moliente. Certum est Guiciardinum, gubernatorem Bononiæ illuc contendisse. Cæterum nullum violentum durable, præcipue cum non solum amici sed inimici id abhorreant.

Cum hæc scribo, ex Viennâ intelligo multa Turcharum millia circa Budam apparuisse, unde isti hoc mane frequenter in dietam conveniunt. Cæterum veritas est filia temporis.

Ad te cum istis mitto præfatum imperiale mandatum, ut ejus formam videas; quam forsitan nunquam vidisti. Tu istic tibi aliquem ex Stilardo interpretem invenias; nam hic mihi ex temporis angustiâ facere non licuit.

Dabo alterum exemplar oratori nostro, si illud tamen aliquo pacto adipisci potero, ut si hoc interciderit, suum tamen videre possis.

Endorsed—

Magnifico ac ornatissimo Domino, Thomæ Cromwell, Serenissimi Regis Consiliario dignissimo, Domino meo semper observandissimo.

Number CCLXXVII.

The renewal⁴² of the King's request for the promotion of Ghinucci; written in Vannes' hand May 19, 1532.

HENRICUS Dei gratiâ Rex Angliæ et Franciæ, fidei Record Office.
 defensor ac Dominus Hiberniæ, Reverendissimis in
 Christo patribus, et Dominis, Episcopis, Presbiteris ac
 Diaconis, Sanctæ Romanæ Ecclesiæ Cardinalibus, etc.
 amicis nostris carissimis, salutem.

Non tam crebro apud Reverendissimas Dominationes Vestras de eâdem re ageremus, nisi in primis cordi nobis esset, futurumque aliquando speraremus, ut honoris nostri, meritorumque aliqua tandem ab ipsis ratio haberetur. Non oblitus esse putamus Reverendissimas Dominationes Vestras, quam sedulo et quam ex animo sæpe antea egerimus, ut Reverendus Dominus, Episcopus Wigorniensis (quem ejus in nos fides virtutesque non vulgares nobis carissimum efficiunt) ad Cardinalatûs dignitatem nostro intuitu promoveretur; hoc tamen ingens desiderium nostrum, unâ vel alterâ injectâ occasione, hactenus dilatum est. Verum tamen quum res hæc præter Domini Wigorniensis merita honoris quoque nostri respectu in primis cordi nobis sit, intelligamusque de novis Cardinalibus in aliorum principum gratiam creandis nunc tractari, voluimus iterum atque iterum his nostris litteris Vestras Reverendissimas Dominationes rogare ut hujus etiam desiderii nostri nostrorumque meritorum in hoc nostro exornando oratore, rationem aliquam habeant. Nos certe quantum ex corde possumus rem hanc Vestris Reverendissimis Dominationibus commendamus, eo quodem animo, ut benevolentiae vicissitudinem reponamus, memorique pectore acceptam gratiam conservemus.

⁴² This letter was printed with a few slight mistakes by Collier, vol. ii. Appendix XXI. p. 14.

Et feliciter valeant Reverendissimæ Dominationes Vestræ.
Ex regiâ nostrâ Grenwici, Die 19 Maii. M.D.XXXII.

Vester ⁴³ bonus amicus,

HENRY R.

Endorsed—

Reverendissimis in Christo Patribus et Dominis
Episcopis, Presbiteris, ac Diaconis Sanctæ
Romanæ Ecclesiæ Cardinalibus etc. amicis
nostris carissimis.

PETRUS VANNES.

⁴³ From *vester* is in the king's own hand.

Number CCLXXVIII.

Original letter from Ghinucci and Benet to the King, informing him of the exhibition of the Additional Articles on the 13th of June; written June 15, 1532.

[SERENISSIMO et] potentissimo Angliæ et Franciæ ^{Vitell.}
 Regi, fidei defensori, Hiberniæ [Domino], domino nostro ^{B. xiii.}
 supremo. ^{fol. 192 b.}

[Serenissime] et potentissime Domine noster supreme, salutem.

Post literas ad [Majestatem] Vestram ultimo loco per nos scriptas, sedulo curavimus ut a Vestræ Majestatis [advocat]is in causâ excusatoriâ Pontifex et cardinales seorsum diligenter [instr]uerentur. Et quo melius, et funditus singula perspicerent, volumus ipsos [adv]ocatos scribere super omnibus punctis ad disputandum propositis fusius [multu]m, atque uberius, quam in Concistoriis super eisdem fuerint loquuti. Quæ ut [Ponti]fex et Cardinales commodius etiam per se ipsos considerare et cognoscere [posse]nt, imprimi fecimus, eisque distribuimus. Quâ in re adversarii quoque sunt nostros [imita]ti. Quoniam vero sumus veriti ne illa, quæ per nostros allegata [fuer]ant, non obstarent, quominus persona excusatoris sine mandato [admitt]eretur, et literæ quas jamdiu excusator produxit censerentur non [idone]æ, statuimus necessarium esse alteras pleniores Majestatis Vestræ literas juxta [mand]ata ipsius exhibere. Id quod nudius tertius fecimus. Pontificem enim [adiv]imus, eique excusator, Anconitano et Monte præsentibus, literas exhibuit, simulque [novu]m articulum, quem, animadvertentes nos persuasum esse huic curiæ universæ [impe]dimentum, quod allegabamus, perpetuum omnino esse, ne id, tametsi falso [cons]ideretur, nobis noceret, deducere decrevimus; in illoque objecimus belli [isti]s regionibus imminens suspitionem, quæ legum doctoribus videtur ipsi [bello] æquiparanda. Quod certe Pontifex haud parvi momenti esse,

existimare [visus es]t; quum enim aliâ die dixissemus velle nos ejusmodi articulum proferre, vehementer sese commoveri ostendit. Et in se dixit, quoniam Cæsariani, quos
 fol. 192 a. huc usque distulit, putabunt quam a principio secundum ipsos ferri oportere, non dubita[mus] interpositam esse, ut interim nos aliquid, quod graviori[sit] inveniremus. Ibi, ex præsentī quidem rerum statu, diximus [objectionem de belli] suspicionē nobis succurrisse; Enimvero, si prius vidissemus angustiore loco sitas, omnia extrema prius quam nos tentaturos fuisse, neque alia etiam solida firmaque fundam[enta] nobis defutura. Hanc autem belli suspicionem larg Quod si satis virium non habuerit ad alias partes restrin literis Majestati Vestræ Dominus Benettus explicabit.

De Turcarum rebus, tametsi multo ante putemus Majestatem V[estram] cognovisse, visum est, quod de illis hic habetur nov[i, narrare], videlicet Abray Bassa circa medium mensis Aprilis cu[m exercitu a] Constantinopoli discessisse, et ante finem ejusdem m[ensis] Principem subsequuturum, et Adrianopolim iturum velle se Ferdinandi, Regis Romanorum, legatos audire divulgatum fuit Turcas Dravim fluvium, qui in fi[nibus] est, trajecisse, et magno cum apparatu progredi. [De Cæsare] autem illud novi habetur, ipsum et Ferdinandum fratrem adhuc vim non collegisse, sed cito habituros in armis [peditum milia] clxxxx, equitum vero milia decem et octo. Hic diebus nonnulli pedites, circiter trecentorum numerum, pr quos dicunt Pontificem Anconam mittere, urbem Turcarum

His etiam diebus Sanctissimus Dominus noster et nonnulli Cardinales quibus [earum] rerum causa incumbit, sæpe congregati fuerunt, ut de pecu[niis pro bello] contra Turcas necessariis providerent, et tandem decreve[runt, ecclesiasticis] in Italiâ dimidium redditûs annui persolvendum. Dicunt curiæ officiales hujusmodi tributum soluturos.

Mittimus una cum his litteris bullam commissionis processûs [istorum] sex episcopatum, quemadmodum Majestas Vestra petivit; Form[a earum] est aliquatenus mutata ab eo, quod in alterâ Bullâ super h[uius] missa est; propterea quod asseru-

erunt, illam non fuisse formatam jux[ta regulam]. Sententia vero eadem permanet, sicut Majestas Vestra videbit.

Pontifex conquerens nobis dixit, sacerdotem quendam, qui in Angliâ de autoritate prædicabat, fuisse Majestatis Vestræ jussu in carcerem [conjectum], et alium quendam Clericum qui in carcere ab Archiepiscopo C[antuariensi] detinebatur, propterea quod Lutheranam hæresim seq[uutus esset], appellâsse ad Vestram Majestatem tanquam ad Dominum supremum; [eam oppid]um Cantubriense adveisse et auditum suâ fol. 193 b. sententiâ liberâsse.

Optime valeat Majestas Vestra.

Romæ die 15⁴⁴ Junii M.D.XXX[II].

Ejusdem Vestræ Regiæ Majestatis

Humillimi servi

HIE. EP^s WIGORNIENSIS.

W. BENET.

⁴⁴ A letter was written on the same day by Carne and Boner, which is printed in State Papers, vol. vii. p. 372.

Number CCLXXIX.

A short account of some arguments alleged in the Consistory of June 21, 1532, in defence of the point that Carne ought to be admitted as Excusator.

Informatio brevis super admissione excusatoris illustrissimi regis Angliæ et materialium per ipsum datarum.

Vitell.
B. xiii.
fol. 193.

BEATISSIME pater,

Licet alias pluries fuerit dictum Sanctitati Vestræ suo sacrosancto Senatu, Personam Domini Odouardi Karne excusatoris fuisse et esse, tam ex litteris regiis antiquis quam ex naturâ impedimentorum allegatorum, et de Juris dispositione, legitimam ad excusandum illustrissimum Regem Angliæ, prout liquidissime constat in informationibus alias datis; Nichilominus, ad tollendum omnem dubitationem, et ad cautelam magis abundantem, quædam aliæ litteræ pro ipsius Domini Odouardi in Excusatorem admissione, ad Sanctitatem Vestram per eundem illustrissimum Regem missæ, ac eidem Sanctitati Vestræ, una cum quibusdam articulis additionalibus traditæ fuerunt. Post quæ idem Dominus Odouardus Excusator in pleno consistorio, in præsentia procuratoris partis adversæ, tam articulos primo loco quam etiam additionales postea datos, per Sanctitatem Vestram admitti petiit; et eadem Sanctitas Vestra, ad ipsius petitionem hujusmodi, eosdem *si, et prout de Jure* per decretum admisit. Quod autem persona dicti Domini Odouardi sit legitima, ultra illa quæ prius allegata fuerunt, apparet ex litteris Regiis Sanctitati Vestræ per eundem Excusatorem novissime exhibitis, ex quibus clare constat eundem Dominum Odouardum pro legitimo Excusatore debere admitti; prout clarius ostendetur ex his quæ sequuntur.

[C]ertum est quod mandatum legitimum concluditur quum tria, videlicet Solemnitas Materialis, Probatoria et Substantialis concurrunt. Sed ista tria concurrunt in præsentī casu. Merito etc.

Materialis solemnitas deprehenditur ex litteris Regiis prædictis; et procuratorem posse per illas constitui non dubitatur;

ut noto in Clementinâ primâ de procuratoribus et l. *Si procuratorem absentem* et l. *p^a § eodem*.

[P]Robatoria vero elicitur ex appositione Si[gil]li authentici Regii prædictis litteris; ut est decisio Bar., Bal., et Pan. fol. 195. de Castro, [in] dicto l. *Si procuratorem*, et Bal. in l. *Exemplo* de probat. Hosty. et Doct. in c^o p^o de procu., Rotæ decisione cxvj in novis; Præsertim cum subscriptione manûs dicti Illustrissimi Regis quæ habetur in dictis litteris, et sola per se sufficeret; juxta notata Bar. in l. *Quæ dotis* in fi. § *soluti matrimonio* et ejusdem Bar. in l. *Sicut*, § *Non videtur* ff. Qui. mo. pi. vel hypo. sol.

Substantialis autem colligitur manifestâ ratione; nam quando actus celebratur per aliquem, præcedente ipsius voluntate, cujus utilitatem ipse actus respicit, ipsa voluntas inducit substantiale mandatum. Theorica est tradita per Dig. et alios modernos in l. *Post dotem* in 6^a lect^a § *soluti matrimonio*. Iste autem actus excusatorius celebratur per Dominum Odouardum, præcedente voluntate Regis declaratâ per ipsius literas, præsertim in eâ parte dum dicitur, *Nos interim quod unum possumus etc.* Et ipsius regis utilitatem ipse actus respicit. Merito concluditur personam dicti Excusatoris esse sufficienter legitimatam.

Responsio ad objecta.

[P]Rimum, non obstat quod ex adverso dicebatur, videlicet, litteras privatas non inducere mandatum, nisi sint approbatæ a parte adversâ per not. Bar. in præallegatâ l. *Si procuratorem*.

[Q]uia respondetur hoc esse verum, Si litteræ essent omnino privatæ, nec approbarentur testibus, aut alio æquipollenti; hic autem Litteræ Regiæ sunt approbatæ, licet non testibus, at saltem alio æquipollenti, Testibus videlicet sigillo authentico Regio, ut dicunt Doc. et Rot. supra allati. Merito ergo.

[S]ecundo, non obstat dum dicitur quod sigillum Regium fidem facit inter subditos tantum, et non inter alios qui non sunt fol. 196. subditi; per not. Imo. in Clementinâ primâ de procuratoribus.

Quia respondetur quod Imol. hoc non dicit in dictâ Clementinâ. Nec quisquam alius, et præterea hæc ymaginata opinio confunditur, per Hostyensem, Rotam et alios supra allegatos.

Tertio, non obstat dum dicitur quod sigillum Regium non

inducit probationem, nisi ostendat[ur] quod fuerit appositum de ejus voluntate.

Quia respondetur non esse hoc verum; nam Sigillum Regium, quale est hoc de quo agitur, præsumitur appositum ex Regis voluntate; ut est decisio Bar. et Pan. de Castro in dicta l. *Si procuratorem* et aliorum in dictâ Clementinâ primâ. Et præterea ipsius Regis voluntas clarissime deprehenditur ex subscriptione dictarum litterarum factâ manu Regiâ per notata Bar. in dictâ l. *Sicut § Non noster*, et eo maxime quod tam sigillum quam subscriptio hujusmodi sunt satis nota tam Sanctitati Vestræ quam Reverendissimis Dominis Cardinalibus.

Quarto, non obstat dum dicitur quod litteræ Regiæ novissime productæ habent relationem ad litteras Regias priores, et litteræ Regiæ priores habebant voluntatem limitatam, videlicet quod Excusator ageret nomine suo et non nomine Regis. Merito ergo.

Quia respondetur quod hoc est falsum. Nam constat ex dictis litteris novissimis, quod Rex simpliciter instat quod Dominus Odouardus admittatur pro legitimo Excusatore.

Quinto, non obstat dum dicitur quod Excusator non aliter debet admitti quam si habeat mandatum speciale jurandi de calumniâ in animam Domini per decisionem Rotæ l. xxxij. de procuratoribus, in Antiquis. Tale autem mandatum Excusator dicitur non habere. Merito ergo.

Quia respondetur quod dicta decisio loquitur, quum allegatur causa absentiae occulta; secus in causâ absentiae non occultâ sed notoriâ. Cujusmodi est in præsentî casu.

Sexto, non obstat dum dicitur quod Excusator, [qu]ia non habet mandatum ad totam causam non est admittendus per decisionem Rotæ X de dolo et contumaciâ in antiquis.

Quia respondetur quod dicta decisio non habet locum in gravibus causis; prout plenius dicebatur in Justificatoriis conclusionis vigesimæ quartæ.

Et quantum ad articulos veteres, quod sint Juridici et Relevantes, patet ex informationibus alias datis Sanctitati Vestræ et Reverendissimis Dominis Cardinalibus. Et quantum ad articulos additionales, Justificatio illorum colligitur ex notatis Alex., et aliorum in l. Divortio § *soluta matrimonio* et Jason. et aliorum in l. 11^a § *quod transactis*.

fol. 197.

Number CCLXXX.

Original letter to the King from Carne and Boner from Rome, informing him of the state of affairs up to the date of writing, June 27, 1532.

Romæ, 27 June, 1532.

Vitell.
B. xiii.
fol. 199.

PLEASETH it your highness, this is to advertise the same [that since] our last letters of the 15th⁴⁵ of this present we caused the [emperor's] ambassador, being the queen's proctor, to be cited *ad p[roximum] consistorium*, which was the 19th of this, to say against [the former] articles and also the additional, and to see them to be admi[tted] according to the tenor of the same, which your highness [with these] shall receive. And the said 19th day we repaired to the [Consisto]rie. Where came all the emperor's ambassadors, with the q[ueen's] proctor and] counsel, wholly trusting to have had a fair day upon us, a . . . immediately after that the Pope had commanded as we went and kneeled before the Pope and Cardinals; and there[upon I] Edward Kerne did declare the effect of the citation ex[ecuted] and certified; asking, in the presence of the queen's proc[tor and counsel], that his holiness would admit as well the articles that [were at the] first laid in, as also the additional that were afterwa[rds laid]; and his holiness incontinently said these words following: [*Nos*] *admittimus si, et prout de Jure*. Which thing as that d . . . *præter expectationem et ad mirabilem animorum nostrorum*

Then the queen's advocate began to allege that I, Edw[ard] Karne, ought not to be heard, *quia non habui personam legitt[imam]*, and also *quod articuli non erant relevantes*; desiring his ho[lines] therefore that I should be rejected *una cum articulis*, esp[ecially] because your highness was not cited to appear *persona[liter]*, but other by yourself other by

⁴⁵ This letter has been printed in State Papers, vol. vii. p. 372.

your proctor. Whereun[to I] made answer and said, First, that the said advocate spoke [against] the Pope's decree given in that behalf; and further that it w[as] not enough to say that I had not *personam legittimam*, or that [the] articles were not relevant, unless he could prove the sa[me] by law or reason; and as concerning the legitimation of [my] person, and the matters to be relevant, I referred me to such [other] informations as we divers times had made, and laid in.

And as touching the alternative citation of your highness to appear by yourself or else by your proctor, I said that in law there is no diversity between such citation alternative and a single citation made *simpliciter*; for in such single cit[ation]
 fol. 199 b. men do] understand, tho' it be not expressed, this clause *per te vel per procuratorem*, [as I] said, his holiness might more fully perceive in our informations [upo]n the 12th conclusion.

And this done, I desired his holiness to command [that] the said decree might be inacted, and his holiness commanded [the] Datary to do the same. Whereupon we departed, as glad as any [m]en living; and the Imperials departed, as heavily and sadly, [in]somuch that they went altogether in counsel, and after the Consistory was done, having with them Cardinal Osma, they [w]ent all to the Pope *und voce clamantes* for the decree that [w]as given against them, which they made their account should [h]ave been given with them surely. And then they handled the [P]ope after such sort, that they would needs be heard openly [ag]ain in the Consistory; the admission and decree notwithstanding.

[Wh]ereupon the Pope willed the Datary to intimate unto me [Ed]ward Karne that I should be ready in the next Consistory [on] the 21 of this, with your highness' learned council to [in]forme upon the last letters exhibited, sent unto the Pope's holiness [fro]m your highness of the date of the last of⁴⁶ February—[and] like wise upon the matters laid in, as well the first as also the [add]itionals, of which intimation we have sent a copy herewith [unt]o your highness. And when the Datary was come from the [Po]pe, we repaired to the said Datary, to see that the forsaid [decre]e of the Pope should be enacted.

⁴⁶ Printed in State Papers, vol. vii. p. 350.

At what time, the said Datary [in]timated unto me, Edward Karne, the Pope's pleasure touching [the] information to be made unto his holiness and unto the Cardinals, I desired him to remember to enact my petition in the Consistory, and the Pope's decree, declaring unto him again, as well my petition as the said decree; and he promised that he would surely do the same; excusing at that time, that he had no leisure, and willing me to resort the morning after, at what time he said I should have the same; and so, departing from thence, we went to your highness' counsel learned to put them in readiness against the Consistory following. In the said morning the Datary sent to me Edward Kerne that in all haste possible I should send unto him the intimation which afore he had sent to me in writing. I sent him word that I would not send it, but that I would come and speak with him myself. And so I did, asking him a copy of the acts done in the said fol. 200. C[onsistory]; and the said Datary at the same time demanded of me the [intimation] that he did send for; and I told him I had it not, but lost it with [your] highness' ambassadors, asking of him for what purpose, he [wanted] it so much; to the which he answered that he would have [it to] make the Acts thereby; and then I said that the said intimation was no part of the Acts of the decree given by the Pope; and when he said he would needs have it, I told him he sh[ould] have a copy of it, whereby, for the purpose to work the Ac[t], he might be as well informed as by the original; and as f[or] the said original I told him I would not deliver, suspecting not a little that the said Datary would alter something in [the] same, concerning the foresaid decree, which in very deed [I] perceived after he went about; for at my coming accor[ding] to his assignment, to see the Act made, the said Data[ry] had written that the Pope's holiness had only admitted the articles additional; when indeed there was no such doing, but only (as is above) *Nos admittimus, si et prout de Jure*, my petition being both for the first articles given and also for the last, according to the tenor of the citation, which petition is not denied but it was so made.

Afterwards your highness' ambassadors were herein with the Datary [very] sharp; and he answered that the Pope in his said decree [meant it] of the additional, and that we

intended to deceive the Pope in making petition for the admission of the first and [additional] articles. And albeit that he thereunto was answered that he could not tell what to say, yet nevertheless he would not otherwise make the Act. Whereupon your highness' ambass[adors] went to the Pope, which did not deny but the decree was given as we said; but what he meant by it, he referred him to Cardinal Anchona; and at their coming to the said Cardinal, he said that the Pope's intent was, to admit the articles additional, and not to meddle with the other laid in before, but the same to remain *in suspenso*, nother to be taken *pro rejectis*, *neque pro admissis*, so that we should take no prejudice touching the old articles, and yet the new should be ad[mitted]. The sai[d] admission is here heavily taken by the Imperials, who [make a] great suit to have me, Edward Karne, [*quasi*] *non legittimam personam* rejected, and likewise the said articles, forasmuch as the same were admitted but *si, et prout de Jure*. Our trust is they shall miss of their purpose herein.

fol. 200 b.

[On] the 21 of this present, we being in the Consistory openly with your highness' learned counsel in readiness, being also there all the Imperials, with the queen's agents, the queen's advocate began to impugn your highness' said letters last exhibited, to whom answer was made by your highness' advocates with justification of the letters; the copy of which answer and brief justification we do send herewith to your highness, which, as far as we could judge, was to the contentation of the hearers. What was further done that day, (the Consistory being shut) your highness shall perceive by Mr. Benett his letter. But as concerning the articles the queen's counsel did not meddle, but only made one interrogatory captious, which was,—If the [fir]st articles contained *impedimentum perpetuum*, whether the additionals ought to be admitted. Whereunto answer was made that if they could shew whereupon in law they grounded any perpetuity in the said first articles, whereby your highness should be compelled to send a proctor, then we would make them answer unto their interrogatory. And thereupon in great choler they departed out of the Consistory.

The 22 of this present the Pope commanded the Datary to [se]nd an intimation unto me, Edward Karne, that I should

briefly [re]duce in writing what was said by us and your highness' learned counsel in the Consistory next afore, viz. the 21 of this, and bring it to his holiness and also to all the Cardinals; which we reduced in writing by the advice of your highness' learned counsel, and did so deliver; the copy whereof, with the intimation for the same we do now send herewith unto your grace.

The 26^{ty} of this there was a Consistory kept, but nothing was done in the same concerning this matter.

Other things we have not to write to your highness at this time. And thus most humbly we commend us unto the same, beseeching Almighty God to conserve your said highness in your most noble and royal estate many years.

From Rome the 27th day of June, 1532.

By your highness' most humble subjects

[and poor] servants,

[EDWARD KARNE.

EDMOND BONER.]

[To the King's Highness.]

Number CCLXXXI.

Original letter from Ghinucci, Benet, and Sir Gregory Casali, giving an account of the proceedings up to the date of June 27, 1532.

Vitell.
B. xiii.
fol. 201.

SERENISSIME et invictissime Domine noster supreme,
salutem.

[Scripsimus] ad Majestatem Vestram literas, quemadmodum Dominus Excusator [in suis literis] uberius explicabit; adversarios citari fecimus, ad vide[ndum omnes in] concistorio articulos tam veteres quam novos admitti, [juxta tenorem] citationis, cujus exemplum videbit Majestas Vestra. Quo [facto, quum] Pontificem adiissemus, nos redarguit, quod nimis exigu[um tempus] concessissemus adversariis; visusque est cum Burlâ, J[uriconsulto] sentire, qui asseruit novos articulos non esse admitt[endos omnino] quod primoribus forent contrarii, et in hanc opini[onem etiam] conscripsit, quæ Datarius Domino Hieronymo Previdel[lo legenda] exhibuit. Sed nihilominus, quum primum concis[torium] fuit, Dominus Excusator instanter petiit, articulos i[stos omnes,] tum primos tum novissimos, admitti. At Po[ntifex,] expectans quod adversarii aliquid dicerent, res[pondit hæc] verba, *Admittimus si, et prout de Jure*. Quæ res qu[um nobis] placuit, sic adversariis displicuit. Qui conquesti sunt [multum, de] Pontificis responso, dicentes, se ab Auditore Rotæ [certiores factos] nequaquam ipsis ita contrarium fuisse futur[um responsum; quo fac]to, nimis magnum præjudicium Reginæ fieri, quia ex ore [P]ontificis emanaverit. Pontifex vero voluit ut singuli cardinales exempla literarum mandati Excusatoris et articulorum haberent, et super illis in sequenti concistorio omnes simul docerentur, informarenturque. Quod nos, quantum potuimus, fieri [op]ortere negavimus, de angustiis temporis conquerentes. Quum in [co]ncistorio, ob disputantium contentiones, vix fieri posset ut brevi [ju]ra nostra, quæ tamen pro certissimis et probatissimis haberemus, [po]ssemus explicare; ostendentes

fol. 201 b.

non minus nos hujus causæ [ex]peditiōnem desiderare, sed illud tantum timere ne non [pos]semus nostra satis aperire et demonstrare. Frustra autem [es]t hic omnis noster conatus. Venimus igitur, quum tempus [fu]it, in concistorium. Anconitanus quoque a Pontifice accitus [ve]nit. Cujus adventus quum, datâ operâ, contra nos constitutus [v]ideretur, aliquot cardinales de eo nos submonuerunt.

[D]isputatum deinde fuit, quemadmodum ex literis Domini Excusatoris, [ac] etiam D. Benetti Majestas Vestra cognoscet. Quamvis autem de [A]nconitani adventu timuissemus, nihilomi- fol. 202.
nus, ex eo quod postea colligere potuimus, clauso concistorio, mod[us inventus est] ut potius nobis favorabilis quam contrarius extite[rit] etiam Cardinalis verba aliqua super Pontificis illud non improbantis, et Anconitani sententiam ad literas mandati pertinet ita decreverunt, qui et textus per nostros et per adversarios alleg[atus] quo utraque pars dixisset scriptis mandari, quo u conferendo elici posset. At Pontifex inter loque[ndum apud] Concistorium, nobis dixerat se putare literas vim [habere]. Quod etiam nonnulli Cardinales nobis dixerant, [unde nos] sperare cœpimus. Sed quum exempla seu cop[ias fieri] omnium novissimorum actorum peteremus, et præ [aliis] illius a Pontifice facti, et ad hoc instarem, [negatum] illud nobis fuit; nolunt enim ita simpliciter ut fa dare, asserentes mentem Sanctissimi Domini fuisse admittere articulos ultimo loco datos, et de iis tantum [pronuntiatum] fuisse. Et quamvis nos omni ope, tum a Pontifi[ce, tum a] Cardinalibus Anconitano et Monte, contenderimus, responsum [d]ari simpliciter, illud tamen obtinere non potuimus. Di- fol. 202 b.
cuntque . . . rgi oportere bonâ fide et syncere, et existimare Pontificem de articulis modo ultimo loco datis sensisse. Anconitanus etiam illud addidit, quod ne ex verbis Pontificis admittentis novos articulos, priores articuli excludi videantur, persuasum [si]bi esset, posse a Pontifice impetrari ut responsum his verbis [mu]taretur. *Admittimus novos articulos si, et prout de Jure [absque] rejectione aliorum articulorum alias datorum.*

Hæc ferme sunt quæ de causâ Regiæ Majestatis Vestræ dicenda habebamus; [n]ec illud est omittendum, quod quum nuper Pontificem [ad]ivissemus, quo aliquid ex eo circa causam

intelligeremus, [in]terrogaremusque num vellet nos quicquam ad Majestatem Vestram [sc]ribere, Pontifex nos rogavit ut Christianam Rempubicam suo nomine Majestati Vestræ commendaremus. Quod nos facturos polliciti sumus, quamvis sciremus eam satis Majestati Vestræ commendatam esse.

fol. 203. Post hæc subjunxit, sibi fuisse significatum, Reginam fuisse [pu]lsam ex More, loco per tempus æstivum commodo, ad quandam Domini Linconiensis domum, quum per hieme[m in] humido manserit, et nunc quum habitatio illa com[modior] foret, alio migrare coactam. Nos autem respondimus, unâ [voce negantes].

Enimvero ut quicquid novi habemus non sileamus, superiore Concistorio Cardinalem Medices, qu[i] momenti est, Legatum fuisse creatum, ut in ad expeditionem contra Turcam profiscatur, P[ontifex apud] Concistorium decrevit, ut Clerus Italiæ dimidiu[m omnium] reddituum conferat ad expeditionem contra Tur[cam]. [Constituti sunt cardinales quorum arbitrio quid persolvere vol relinquitur, clamantibus certe et ægre ferentibus [omnibus] Italiæ cleri ordinibus, non tamen Venetorum Dom[inii].

fol. 203 b. Nam Veneti, ne Turca dicere possit, suos hostes y adjutos, subditos suos, qui ecclesiasticis bonis fruun[tur vetuerunt] quicquam persolvere. De Turcis quidem nunc [multo plura] quam antea afferuntur. Postremis literis quas orat[or Cæsaris] habet, confirmatur Turcarum principem, Sophiam [duorum di]erum itinere, præteriisse, Nisamque pervenisse, quod oppidum [eo] loci situm est ut Constantinopoli venientes viam habeant et in Italiam transgrediendi et in Hungariam introeundi.

Affirmant etiam velle ibi audire oratores Regis Ferdinandi. De exercitu autem Cæsaris multa feruntur futura; sed nihil adhuc in campo est, præter decem milia peditum, quæ Ferdinandus ejus frater jamdiu in Hungariæ finibus continet. Ipse Cæsar, ob morbum quem in crure habet, ad aquas balneorum salubres se contulerat. Marchioni Vasti mandatum fuit ut, circiter finem hujus mensis, ex Lombardiâ cum exercitu Hispano moveat, simulque delectum habeat. Interim Hispani populos, apud quos stativa habuerunt, quantum possunt exhauriunt. Romæ quoque nonnulli Hispani pedites conscribun[t].

Quos ad tuenda loca maritima mittent. De classe vero Turcarum Constantinopoli literæ die 25 et 27 Mensis Maii datæ habentur; quæ significant Classis partem Methonem versus missam fuisse, et alteram partem nondum Constantinopoli solvisse. Nec aliud qu[icquam] novi mentione dignum habemus. Optime igitur valeat Vestra [Majestas].

Dat. Romæ Die 27 Junii M.D.XXX[II].

Vestræ Regiæ Majestatis humillimi servi,

HIE. WIGORNIENSIS.

W. BENET.

GREGORIUS CASALIUS.

Endorsed—

Serenissimo et Invictissimo Angliæ et Franciæ
Regi illustri, Fidei defensori, Hiberniæ
domino etc., Domino nostro supremo.

Number CCLXXXII.

Copy of the resolution of the Consistory of July 8th, 1532.

*Copia actorum super decreto resolutionis consistorii, ut
prætenditur.*

Record
Office.

DIE Lunæ, octavâ Julii fuit consistorium, in quo (referente reverendissimo Cardinali Cesarinis, agente pro reverendissimo domino Vicecancellario) factum fuit infra-scriptum decretum. viz.

Sanctissimus Dominus noster, una cum consilio Reverendissimorum Dominorum, sanctæ Romanæ ecclesiæ Cardinalium, discussis mature exceptionibus et allegationibus hinc inde datis, conclusit expectandum esse illustrissimum regem Angliæ pro mense Octobris proxime sequente, ad hoc ut producat mandatum in causâ principali. Alioquin, lapso dicto termino, procedetur prout justitia suadebit.

Endorsed in the same Italian hand—

Copia actorum super resolutione Consistorii.

Also in an English hand—

An Act giving a day of appearance to answer
in causâ principali.

Number CCLXXXIII.

*Corrected draft of a letter from the king to Foxe and Bryan,
his ambassadors in France; sent July 10, 1532.*

TRUSTY and right well-beloved, we greet you well; let-
ting you wit that, sending this courier to Rome with an
expedition to Rome, containing our desire in certain requests
to be made to the Pope for the speedy determination of our
cause, we have thought good to send unto you herewith a
copy of the said despatch, to the intent ye, ripening yourself
in the same, might, conformably unto the same, labour and
solicit with our dearest brother, the king, and his counsel, the
effect of the same. [Wherefore ye shall understand how in
our said letters, which, desiring the advice and counsel of the
French king, we write in cipher to Doctor Benet, our subject,
be contained six several articles.

Brit. Mus.
Addit.
MSS.
25, 114,
fol. 88.

The first is the declaration of the injuries by the Pope done
unto us in citing us to Rome, and not admitting Kerne to
allege such matter as served for our defence. Wherein ye
have already spoken to the French king and his counsel there,
who, as ye have written unto us, and specially the chancellor,
do agree unto the same.

The second is concerning the final decision and judgment
to be given in our cause, wherein we make five degrees, as ye
shall perceive in our said letters, with reasons and persuasions
to induce the Pope to condescend unto the same; according
whereunto our pleasure is, ye make overture to our dearest
brother and the chancellor, and so to procure their letters to
their ambassadors at Rome, to set forth the same with the
Pope, and thereupon you to give advertisement thereof to our
ambassadors there accordingly: foreseeing always that ye dis-
close nothing there, either of any promise to be made by the
Pope in writing, as is contained in the first degree, ne of
money to be offered unto him by us.

The third article is concerning the marriage between the
Duke of Orleans and the Pope's niece, wherein, as ye may

perceive in our said letters, we advertise Doctor Benet, he speak nothing concerning that matter, but upon advertisement from you of the French king's good contentment in that behalf. Wherefore our pleasure is that, as we willed our secretary to write unto you, first ye do the best ye can to know in what terms that marriage is, and thereupon shewing to the French king what we intended to set forth for the conducing of that matter, to know how he liketh the same, and thereupon you to write to Dr. Benet, as in our said letters to him is specified ye should do, to the intent he may make overture, or forbear to speak thereof, according to our instructions in that behalf.

The fourth is concerning the changing of the Pope's ambassador, wherein ye have nothing to say there, but as occasion shall serve to say he is a Sicilian and one who is all addicte to the emperor.

The fifth is touching the promise of the Pope, written by you of the French king's mouth, that he will never give sentence against us; which matter our pleasure is ye speak of there in such wise as ye think it may do good and no hurt.

The sixth is, to let the intended meeting between the Pope and the emperor, whereof is a great brute in Flanders: wherein our pleasure is, ye attempt to ensearch if any knowledge be thereof in that court, and how our good brother and his counsel take that matter: with whom our pleasure is, ye utterly persuade, by some practises, to interrupt the said meeting, as whereof shall ensue the emperor's estimation, with commodity there to practise such things with the princes of Italy as may hinder the execution of that which might hereafter confer to the French king's benefit, his heirs and successors. And for letting of the said meeting, it seemeth us the practise of this marriage renewed, and some abbey conferred to the Cardinal de Medicis, with an overture of a marriage for Duke Alexander, so as the Pope might perceive a desire to entertain his holiness' family, these matters, with motion of a meeting at Avignon, might facilly work a disappointment of such meeting between the emperor and the Pope, be it already never so earnestly intended, as we cannot think it is.

Number CCLXXXIV.

Original letter from the King to Ghinucci, Benet, and Sir Gregory Cassali, directing them how to proceed during the vacation; written July 10, 1532.

HENRY R.

Record
Office.

Reverende in Christo pater et alii oratores nostri, nobis quamplurimum dilecti, Salutem.

Ad ultimas vestras litteras datas 7 Junii hactenus respondere distulimus; quod interim e Galliâ expectavimus Jurisconsultorum diffinitiones, quas ad vos exemplificatas cum præsentibus mittimus de injuriis nobis a Pontifice illatis, dum nos Romam citacionibus e Regno evocare conaretur; denique doctorem Kerne quod juris et æquitatis erat allegantem non audiret. In quam sententiam non modo Galli, sed et nostri quoque fere omnes, consentiunt, non posse viz. Pontificem nos Romam trahere atque injuriam fecisse, dum id moliretur; porro Doctorem Kerne, justam nostram absentiam defendentem, audire debuisse, ideoque processum omnem factum irritum, nullum, cassum et inanem esse, nec ullis viribus subsistere.

Quamobrem, cum ea res tam clara, manifesta et aperta sit, ut unam omnium quotquot desuper consulti fuerunt sententiam facile meruerit, operæ precium nos facturos arbitrati sumus, si eam publicâ fide testatam ad vos mitteremus. Nimirum volumus ut in Academiis Italiæ, et a doctissimis quibusque viris eandem probari et confirmari curetis; id quod nihil dubitamus eos sine difficultate facturos, quum jure tam aperto et indubitato nitatur. Præterea vero Pontifici et Cardinalibus et aliis ostendatis, ut videant et intelligant injurias nostras quæ cum tam graves et apertæ sunt, minus mirabuntur regium animum illas et ægre tulisse et a nobis quoad licuit propulsasse. De Pontifice ipso non omnino desperaremus, si illorum consiliis duceretur, qui non quæ sua sunt quærerent sed quæ Reipublicæ Christianæ, viz. quæ justitiæ sunt et æquitatis. Nobis fortasse animo bene vellet Pontifex, et est cur optime

velle debeat. Ceterum errore labitur quem parit ignorancia. A suis vero seducitur, quibus se credit ducendum. Itaque ut viam veritatis intelligat, in quam melius est de medio itinere recurrere quam semper currere male, rogamus ut non modo quæ nunc scripta mittimus, sed etiam quæ antehac impretrata sunt, et item illos doctissimos, quorum in nostrum favorem sententias isthic obtinuistis, et in hiis, si fieri potest, Decium Senensem et alios qui Romæ versantur, Pontifici exhiberi procuretis, viz. ut quæ in aliorum scriptis ad justiciam causæ nostræ illustrandam oculis legit, ipsis etiam eadem ore profitentibus, auribus hauriat. Multam denique habet energiam vox una dicentis et ad persuadendum plurimum momenti. Quod si hii doctores bonâ fide cum Pontifice agent, et illum de causæ nostræ justiciâ vehementer commonefacient, fieri non potest quin ad eorum dicta animum flectat Pontificis, præsertim in præsentî rerum statu, in quo amicorum copiam magno usui sedi Apostolicæ futuram cernimus, si unquam alias.

Hæ feriæ, quæ nunc imminet, liberiores negociandi facultatem præstabunt, ut cum Pontifice agatur, non modo de corrigendis injuriis, sed etiam administrandâ omni cum celeritate justiciâ. Non quod ab eo nos quicquam petere vellemus, neque petemus, sed ut, cognitâ veritate, resipiscat ipse, et admoto nunc lumine, eo pergat quo ducit justicia cum æquitate. Quâ in re, eâ nos modestiâ uti vellemus, ut non existimet Pontifex, nostram, ob illatas injurias, amicitiam ita sauciam et vulneratam esse quin tempori possit etiam mederi ipse et cicatricem obducere, siquidem velit. Atque adeo libenter intelleximus illum, ut nobis gratificaret in injuriis modum fecisse, et aliquot menses abstinere decrevisse, ac suum qualemcunque processum suspendere.

Ex Flandriâ intelleximus Cæsarem parare iter in Germaniam, ibique decrevisse de fidei negotio cum principibus Germaniæ tractare, atque cum illis componere quod est contraversum. Quum autem in hoc primam et præcipuam honoris existimacionisque suæ rationem habiturum eum verisimilius est, facile apparet eum principibus concessurum quod, salvâ orthodoxâ fidei persuasionem, potest permitti. Itaque quum principes in eo præcipue contendat, ut ecclesiasticas possessiones liberas habeant, in usus prophanos et a laïcis possidendas, quod etiam ejusmodi est ut, cum fidei nostræ fundamentis non

repugnet, nullam haud dubie in hoc faciet difficultatem Cæsar, nec ecclesiæ non necessarias divitias quieti et tranquillitati tocius Germaniæ præponet.

Ceterum in hoc si illis cesserit, quale aliis exemplum præbebit, in aperto est prospicere. Quamobrem de eo multum miramur, quod simul etiam ex Flandriâ accepimus, Pontificem de conventu in Italiâ cum Cæsare constituisse ut post expedita in Germaniâ Bietam alicubi colloquantur. Nihil magis suspectum Pontifici esse debet quam novus in Germaniâ conventus, in quo haud dubie Pontifici et ecclesiæ plurimum decedet et auctoritatis et possessionum. Et quæ tandem satis movere potest Pontificem, ut cum eo privatim convenire constituat, et illi se credere in mutuo colloquio, qui, causâ ipsius jam antea compositâ ex usu et commodo suo, illum deinde ut libet possit tractare. Illud vero destinatum colloquium, si quod est hujusmodi, nobis haud placet, non nostrâ sed Pontificis causâ; cui, si quidem nobis bene velit, vicissim etiam non male cupivimus, nec illum vellemus ita frustratum hâc in re ut in causâ Ferrariensi accidissee conquestus est, ut quidem ab aliis certo didicimus. Itaque vos omnibus modis conabimini hujusmodi colloquium, hiis et aliis rationibus quibuscumque poteritis, impedire. Bene valete.

Apud Castrum nostrum Wynsore, nostro sub signeto decimo die Julii.

Endorsed—

Reverendo in Christo patri et Domino Hieronimo
episcopo Wigorniensi, Magistro Willielmo
Benet, juris utriusque doctori, Magnifico
Domino Gregorio de Cassalis equiti aurato,
dilectis Consiliariis nostris, et apud Sanc-
tissimum Dominum Nostrum oratoribus.

Number CCLXXXV.

Abstract of the contents of the letter which it was intended the French King should write to the Pope in favour of the King; sent with the preceding letter of July 10, 1532.

Record
Office.

Articuli.

LITTERÆ Christianissimi Regis ad S. Pontificem et oratores suos apud eundem in quibus, modis omnibus contendet ab eo,

PRIMUM, ut velit allegationes omnes nomine excusatorio in causâ Serenissimi Regis per Dominum Kerne propositas admittere; necnon appellationibus per eundem interpositis deferre, atque ita ab omni ulteriori processu cessare atque desistere.

SECUNDO, si contingat Archiepiscopum Cantuariensem aut alium Regni Angliæ Metropolitanum dictæ causæ cognitionem ad se vocare, et in eâ procedere, quod S. Pontifex velit connivere et tacere, nec ullas inhibitiones aut revocationes emittere, aut ullâ omnino ratione impedire quominus dictus Metropolitanus possit eam causam per suam sententiam diffinitivam finaliter determinare et decidere.

TERCIO, ut velit dare unam commissionem juxta formam epistolarum decretalium, in quâ ipse Pontifex pronunciet ac sententiam ferat de jure, facti autem quæestionem examinandam et inquirendam committat soli Archiepiscopo Cantuariensi aut certe adjungendo sibi unum aut duos Abbates Regni Angliæ.

Number CCLXXXVI.

*Fragment of John Cassali's defence of his conduct, written
some time in 1532.*

[E]T precor Dominationis Vestræ interrogare Reverendum Vitell.
dominū Episcopum Londoniensem [præst]ito, ut diximus, B. xiii.
juramento, quo pacto et Bononiæ et Venetiis a me et fratribus fol. 232.
[meis] negotia regia et gesta et tractata fuerint, et num omnes
et quoscunque [theo]logos, doctores, Hebræos et Græcos
illarum regionum, et denique totum id [quod] pro Regiâ causâ
desiderare potuit, operâ nostrâ habuerit. Et num [a co]llegio
Theologorum Bononiensium ea omnia habuerit quæ ipsi oppor-
tuna [et nec]essaria judicavit. Idcirco interrogetur etiam quâ
de causâ Crocus [Bono]niæ eadem tractabat, quæ jam a nobis
obtenta et expedita fuerant.

[Interrog]entur Doctores Karne et Bonar, quo me pacto
gesserim Romæ in [causâ] Regiâ, et num sint vera ea omnia
quæ in scriptis meis enarravi [me g]essisse pro dictâ causâ;
necnon ea quæ dixi de statu meo, et injuriis [et g]ravami-
nibus in me et fratres meos a Pontifice illatis. [Et] interro-
gentur iidem doctores una cum Reverendo Domino Wintoni-
ensi, super malignitate et perfidiâ illius fratris Francisci Georgii.
Item quo modo intellexerunt Crocum negotia Regia tractâsse.

[Int]errogentur denique Idem Dominus Wintoniensis, Do-
minus Elemosinarius, Dominus Bryanus, [Doc]tor Kenit, ma-
gister Roscellus, et ceteri omnes, quos nominavi, super his
[quæ] dixi me tractâsse, temporibus quibus ipsi mecum et
Romæ et alibi fuerunt.

Number CCLXXXVII.

Ciphered despatch from Benet and Sir Gregory Cassali to the King, relating what had been done in the Consistory up to the date of July 15, 1532..

Report of the proceedings of the Consistory in the King's [case.]

Vitell.
B. xiii.
fol. 212.

SIR,

Since our last letters of the [seven and twenty] of the last, the Imperials so handled [some] of the Cardinals that, notwithstanding [they were] resolved utterly that your highness' letters e[xcusatory] for the admission of Master Kar[ne] were sufficient, they brought them in opinion [contr]arie, and that your letters imported not that; for they said they were not according [to the] stile of Mandates required, in that they were sent purposely after that sor the Court here and in this opinion diverse of such of the chief of the Rote . . . Cardinals had counselled with [them be]fore to take all such opinions and [fancies] out of their heads. Although the o[ld man was] always in opinion that the letters we[re suffi]cient, yet lest he should too much disc[over him]selfe, insisting upon them against [the Imperials], his advice was that were the excusatorye [and] other letters sent unto him whereby [the] Cardinals might be better informed them after such sort as might hurt your highness in no wise, and that was this that . . . should resort to the Pope and shew him if letters

fol. 212 b. . . . whereby his conscience should be fully informed upon the letters and that your highness' will and command [excus]ator should excuse the same for certain privy causes comprised within the letters, they not be[ing pro-]hibited; never the less to informe his [ho]linesse' conscience he would see that clause that hath for that purpose extrajudicialiter and lles: also that we should ascertain that

it was your highness' pleasure that Master Karne should excuse, and so should inform the Pope his conscience, and [tha]t in no wise be prejudicial to your highness and for yd your highness' learned counsel here besides, and there according we did, and thereby all [doubt]ys was taken away touching the abe[lin]g of the excusator.

And Sir, as for the le[tters] with this clause, *erit autem illud nobis gratissimum*, if it had been shewed [to them], it should a caused both the Pope and the Cardinals to be in as great a doubt as they were on your highness' letters first exhibited; and so [the old man] should have been put in danger as concerning [the]ir resolution now made in the Consistory in your highness' cause, the same would fully understand by our common letter; and the old man said that it is more [bene]ficial to your highness than if the last articles additional had been admitted *simpliciter* f the impediments deduced in the same by him should by any manner of means fol. 213. cease before the [time] fixed in the resolution, thus your highness termes of the first matters excusatory laid in, which in his opinion would not [be] admitted for many causes which be concurrent in your highness' cause, which commonly in other not, as chiefly for this *de interpretatione juris et potestatis Papæ a Deo concessæ* the Pope and the Cardinals doth take it should be committed hence it should [be to the] dishonour and slander of this [see, where] the cause dependith now before the Consistory; the commission of the [which] in every man's opinion to be they here for fear dare not or else for affection will not minister justice was never heretofore and s[ince] this resolution, the decree of the [admissi]on of the Articles *si et prout [de jure]* the which we wrote to your highness in our last letters [re-ma]yneth. And also the old matt[ers] excusatory standeth and remaineth [as] before; and so to save all things in the old man had much to do; for the im-[perials] sought with all the favour that they ha[d, for] revocation of the decree and the rejection [of the] said Articles, in so much that oyd vehemently

fol. 213 b. in the Consistory it voted for the same,
by whom it was [answ]eryd by Cardinal de Monte that
vota rum erunt contra eos.

This notwithstanding, they began to vote; and the first vote [was] given against the Articles; then the [old] man spake, and took him up openly that had [vot]yd, and said that he spake that thing which fully he did understand, so that thereby he spake further, but referred himself to that that he [said] to the old man, so that after great holde, the whole Consistory condescended to the resolution aforesaid; and as touching the sending [of] the mandate, the old man saith and is in opinion that your highness should send the Mandate *ad causam, supra fidem suam*, and that your highness need not to fear the power [of] the Imperials here; for if he were here present, the old man saith he should not be able to compel [the Pope] to give sentence against your highness in your highness' great cause; for it should not be in his power, by cause [of him] to do otherwise than justice, and saith also that your highness with your honour send a mandate, seeing the same is desired and [ex]hortyd by the Pope and the whole College of [Cardi]nalls; and if your highness will not send the said mandate s[oon, he] saith he would not fail to follow your highness' pleasure in that he hath advised; but he saith it may be very hard [and well nigh] impossible to do it unless
fol. 214. that he [should appear to favour] your highness' cause more than he should do, so that hereby he should lose his rep[utation], whereby he should not be able to serve your highness' purpose [in] this matter, neither in the principal cause; and also the long delay should be little for the service; that he could doo your highness most good [in the] principal cause, and if he, be[ing so] aged, should die before that your highness come to the [cause, the] same should be frustrate of that help that [he could] do and shew in the same; and coming in his time he doth not mistrust to [bring your] purpose to pass, and this the old [man] willed we should write to your highness. And, Sir, as for th[e Car]dinals that be of the emperor's faction [they] hath done small help and relief by th[eir conduct] toward some of them in this m[atter] . . . ethys and yet could shew no good cause why.

And, Sir, because [the old man] seeth that nothing yet

is come [from] Fraunce, seeing that there c[ometh] hither expeditions for bishop[ricks] and abbacies from thence which are vaca[nt], now the same last week, besides these that of before came two or three to be expedited, feareth that finally he would be deluded and in great suspicion thereof in s Sir Gregory both might and did in great pains about the old [man, to bri]ng them out of fol. 214 b. the same suspicion; and to [put] them in good mind towards your highness. Furthermore [I as]sure your highness that Cardinal de Monte hath done your highness r and high service in this matter; and tho' he [is] not of that authority and estimation that the old man is of, yet his concurring in [opini]on with the old man giveth a great [rep]utation to himself and to his opinion. [For] they two being joined together, it [will be] hard that anything should pass in the Consistory against them, and the Pope hath now taken in these matters to be his chief and [dai]lye counsellors. If your highness, as we wrote [unto the] same in our last letters would promise [promoti]on in Fraunce, your highness should thereby have an [ol]d friend, and most beneficially to your highness, [ac]cording to your highness' commission written [to us] heretofore, for the better entertaining [of whom] we have promised to him that your highness would so do.

If ⁴⁷ your grace would write your letters of thanks to [the Cardina]ls de Monte, Trane, Sanseverine, and Grimmane [and Cæsa]riane, your highness shall thereby entertain them [the] better, and encourage them the better to favour [your] highness' cause, which hitherto have done like [sincere] friends. *Sir* ⁴⁸, *the old man and also the young do marvel [that] the quarter's rent doth not come.* And thus most humbly [we commend] us to your highness.

At Rome the 15 day [of July, 1532].

Your highness' most subjects and servants,

W. BENET.

GREGORIUS CASALIUS.

Sealed and endorsed—

[To the K]yng's hyghnes.

⁴⁷ This passage is not in cypher. ⁴⁸ Here the cipher begins again.

Number CCLXXXVIII.

Original letter, in Carne's hand, sent by Carne and Boner to the King from Rome, July 15th, 1532, giving an account of what was done in the four Consistories held at the beginning of the month.

Vitell.
B. xiii.
fol. 205.

PLEASETH it your highness the same to [be advertised] that since our letters of the 27th of [the last month] to your highness, within eight days were [held four] Consistories for the expedition of the mat[ters excusatory] that is to say, the first day, the third, t[he 5th], and the 8th of this month.

In the first [Consistory] was Cardinale Anchona, without whom there [is nothing] done there in matters of law, as far [as we could] hear or perceive; that Consistory was [employed] in debating of the matters excusatory, [as far as] we could conjecture; for we tarried there to t[he end], for to know what was done there; and [we heard] there was made an ordinance th[at none of] the Cardinals should disclose any thing th[at was] done there without the Pope's license [*sub pœnâ excom[mun]icationis, omnis absolutio reser[vata nisi in] articulo mortis*, and also *sub aliis p[œ]n[is]*] so that, the Consistory done, we could [not have any] knowledge of their doings there, that d[ay]. To the] other Consistories, Cardinal Anchona cam[e not, but] only unto the last, where the resolutio[n was] made.

And, Sir, at the importune suit [of the imperi]alls here made, as well to the Pope's holin[ess as] to many of the Cardinals, it was persuaded [unto them] that your highness' letters sent to the Pope [did not] sufficiently abyll me, Edward Karne, [in alleging] the matters excusatory; and such [as were of] [opini]on that the letters were sufficient, and could [not] be brought out of that opinion, they went [abo]ut to persuade that the articles additional[s in] no wise should be admitted; for they were a , making this ground that

though the said articles be temporal, yet seeing it is certain that] your highness (the impediments ceasing and ended) will not, nother may appear, they would not excuse your highness from the sending [hither] a proctor *ad causam*. And herein many of the Cardinals staid very stiffly, and what was done for the habilitating of me, Edward Karne, by the advice of your learned counsel, how to take away all [impedi]ments in that behalf, your highness shall perceive [clearly] by Mr. Benet and Sir Gregory's letter sent [unto] your highness apart.

Farther, we went also to the Cardinals with your highness' learned counsel, to [res]olve them upon the said letters, and also [up]on the Articles, and shewed them plainly that [if they we]re resolved against our part, they were ill infor[m]ed; and desired that such as had put that [o]pinion in their heads might come before, and shew their grounds, and that they should perceive that it was not of truth as they had said. And so divers of the Cardinals did call their the which were proved very ignorant in matter before them, and that they spake a[gainst] the common opinion; so that we left them the day before the last Consistory or fol. 206. about the letters or the articles we could perceive or know for wo from informing till the last Consis[tory] resolution followed, for this time yo[ur highness] shall perceive by your highness' ambassa[dors' letters].

The imperials here be sore displeased [that the Pope] did not revoke his decree of the ad[mission of the] articles *si, et prout de jure*. And, Sir, [immediately] after the last Consistory, I, Edward Kar[ne, went with] your highness' ambassadors to the Pope's [holiness] to know what the resolution of the Con[sistory was]. The Pope said that Cardinals de Monte [and Anchona] should shew what the resolution [was, and desired] for them to be there the next [morning ex] pressly therefore. Nevertheless he s[aith that he is no] lawer; therefore he could make no a[nswer in the case] after the form of law; but said th[at it was] much in the favour of your highness' [cause] gs, although standing as it did [he said that he and] the College should write to your highness [requesting] the same to be contented to send [a proctor *ad*] *causam*.

Then your highness' ambassa[dors and] I began to complain that, the m[atter being] so clear, and the Cardinals so well infor[med, they had] resolved that they were not admitted for we said it was not possible a matter, they being so well i[nformed] pass against us; then his holiness said [it is he] that doth complain, seeing that he staid in a good [strait] betwixt both parts, seeing that we do complain, [and] also the other part doth complain *usque ad [si]dera*.

fol. 206 b.

The next morning after, your highness' am[ba]ssadors and I went to the Pope's holiness, [th]ere being Cardinals de Monte and Anchona, when the [Pope] said that, seeing he as well in your high[ness' cause], as other matters of law always used [the]yr both councils, and that he had sent for [the]m thither at that time to shew his resolu[tion], and the Consistory's, in your highness' cause, there[fore] he desired them both so to do.

Then Cardinal [de] Monte said that the Pope's holiness and the [Col]lege of Cardinals did shew themselves most beni[gn]ant and ready to proceed in your highness' cause, [acc]ording to justice and equity. And I, that your [hi]ghness should not need to fear. And that as [con]cerning the matters excusatory, to avoid all con[t]ention, it seemed to the Pope's holiness and to [the C]onsistory, that the resolution should be that his [h]olynes and the College should write to your highness, as the same shall perceive by your highness' ambassador's letters now sent. And said [fu]rther that your highness should have the same [in effec]t as though the cause were committed *ad partes*, [and] that the Pope in no wise would commit the hearing of the cause, *quod tractatur de interpretatione Juris divini et potestatis concessæ a Deo Papæ*, [and that the ad]mission should be only *quoad cognitionem* [et examinatio]nem, and the cause being here then [Impe]rials send *ad partes* for the exa[mination of] the cause, whereby your highness, he sa[id, should] have the same thing in effect tha[t you desired]; and besides, this term now gra[n]ted to deliver upon it. And said your [highness, send- ing] a proxy *ad causam*, should undoubtedly [have no] cause to lament of this see. Then Cardinal [Anchona] said that the resolution was as [the Cardinal] de Monte had shewed, and

fol. 207.

said t[hat a]mongst them in the Consistory, the
 taking doubtful to take that alway best to
 the Pope's holynes and the Car[dinal] to the
 said resolution. And said th[at many other] things might be
 said in this m[atter, as that as your] highness *misit excusato-*
rem, sic potuit [mittere procu]ratorem ad causam. And fur-
 ther sayd sion roiall is *quod licet impeditus in . .*
. sē nisi mittat procuratorem ad causam di
per contra dictas in pœnam contumaciæ said that
timendum esset de calumniâ. And if it were not that he[per-
 ceived] your highness' principal cause is dou[btful]
 . . . and such that it cannot be deny[ed] your high-
 ness is moved upon a just cause, so juste that it cannot be
 m doth, *subterfugere hanc curiam omnino* fol. 207 b.
calumniam diffiditis in justiciâ vestræ causæ, but
 rather tha[t there are] other pryvy causes that moveth your
 highness [at this time] not to come to the cause, which causes
 in time [may] cease. Wherefore he said the Pope's holiness
 with the [Consi]story is moved to this resolution.

Then spake the [Pope]'s holynes, that according as my
 lords most [Rev]erend had said, that this see, which is [mo]st
 bounden to your majesty, would not fail your [high]nes in
 justice. And loyk what justice and equity would require of
 his part he would be most [ready] to the same, without
 any respect of any [man] living, and doubted not but the
 College [woul]d do the same; therefore it seemed to him
 and [to] the College most convenient to write to your [hig]h-
 ness for the proxy *ad causam*, according [to th]e resolution,
 and desired your highness' ⁴⁹ or Cassa[li]s and me, Edward
 Karne, to write to your high[ness] for the same. To this
 your highness' am[bas]sadors answered, that as to write to
 your high[ness], according to his holiness' commandment,
 they [w]old be most ready. Nevertheless, they said, they
 [ha]d a great cause to complain; for this Resolution [mean]ed
 to include *tacitam rejectionem et excusato[r]is et materialium.*
 And in so doing in so clear [a ca]use, they said that your
 highness had great [groun]d, that in that they could do no
 less than speak.

⁴⁹ The word *ambassadors* seems to have been omitted by mistake.

fol. 208. To this answered the [Pope that the] excusator, and the matters standing [in the same] state that they were in before the [Consistory], that the resolution is no other but [that your] highness trusting that the same at the of the Pope and the College of Car[dinals] tyd to send a proxy *ad causam*; [and he] said your highness hath no cause to [complain of] this resolution; for it is, they say, [altogether in] favour of your highness then else a that the matters be not so clear a therein. And also the cause depending effect should result of the should do if the cause were com[mitted *ad partes*].

Farther they said it should be an indifferent place besides this commit it unto; wherefore they des[ire] your highness' ambassadors and m[e to write to] your highness for to come to the cause

I said that glad I would be to wry[te to your high]ness for the proferment of your highness' [cause]. In this case I said I knew no good [reason] whereby I might persuade your highness [that it] should be for the furtherance of your pri[n]cipal cause to] send a proxy *ad causam* hither. Per make so great difficulty in the [Consis]torye which
fol. 208 b. here every learned man and the part adverse be so clear that all the [world] may wonder that they stay so much on the ad[missi]on of them *simpliciter*, and seeing they stay so much that it is to be supposed they will be more diffi[cult] in the principal cause to serve your highness' [cause] according to justice. Nevertheless I said I would [gla]dly write their report to your highness. Also I [sai]d as concerning the effect that your highness should [have] by the Remissorialis, the cause remaining I said that such effect was well perceived [by us] or any matter was laid in, but it is not [to the] same effect that is intended to be had by [the] commission of the cause to an indif[fer]ent place; for we trust and do loyke for that, [that] the whole cause, *etiam quoad decisionem*, should be [com]mitted upon such considerations as we have [alleg]ed, notwithstanding *quod tractaretur de [interpre]tatione Juris divini, aut potestatis Papæ*.

And [Si]r my lord of Anchona said that the matters [were]

doubtful. I said it might be that they took [th]em to be doubtful for some respects, not knowing [tha]t in law in every learned man's opinion [be]sides them and the part adverse, the matters be most clear and relevant. And where [that] his lordship most Reverend said that *sicut [mi]sit excusatorem, sic mittere potuit procuratorem*, I [said], that thereof followed not that your highness [was bound] to send a proctor. And as for the decision Rotall, that his lordship sh fol. 209. out of our case, viz. *loci non tuti* In which case there is another deci[sion] admit *excusatorem*.

And where they sai[d that it] is hard to find a place indifferent, [I answered] there be out of this court places ma[n]y which are] indifferent for both parties, if the P[ope's holiness] would commit it. Then said my [lord of Ancho]na, though *in causâ gravi et arduâ [allegans] locum non tutum, non [tenetur] mittere pro[curatorem], fallit quod impedimentum allegatum [est perpetuum]* and said that I could not shew *[quod allegans] locum perpetuo non tutum, non teneat[ur mittere] procuratorem si locus sit tutus procurato[ri]*. I said that his lordship most re[verend might] see it plainly decided upon the tum in F the § *Cum vero, de Rescriptis* he said the style here is that the [cause, if it] be advoked hither should not be com[mitted to] any, but in case no proctor be sent *contradictas*.

To that I said that the A[dmission was] *si juris*, and must . be taken in the ca ys used, that ys, when there ys no Im[pediment] alleged why that it ought to be co[mmitted], when there is a just cause for that alleged as is *causa justæ absentiae* your highness was in, then the A[dmission] And what effect the process fol. 209 b. made *per contradic[tas]* should have in your highness' great cause, I said [his] lordship most reverend did best know, that would be in this case of no great force. Then [hy]s lordship said, that for to take away all this [doub]ts, the Pope's holiness and the Consistory was [m]ovyd to the foresaid resolution, and said that he came not thither to dispute the matters there, [but] for a conclusion, he desired your highness' [am]basadors and me to write for the effect of the resolu[ti]on; and

so your highness' ambassadors and I departed [outv]otyd.
And Sir, if our lives had lain upon [it], we could do no more
than we did.

And [now] most humbly we commend us to your highness,
[be]seeching Almighty God to conserve the same in your
most noble royal state, by infinite [merci]es.

At Rome the 15th of Julii 1532.

Your highness' most humble

subjects and poor servants

EDWARD KARNE

[EDMOND BONER]

Number CCLXXXIX.

Holograph letter from Augustine to Cromwell, acknowledging the receipt of some money, and requesting his good offices with the Duke of Norfolk.

MAGNIFICE et observandissime Domine, humili com-
mendatione præmissâ.

Record
Office.
an. 24.
fol. 219.

Ultimæ quas ad te dedi fuerunt ex [Ratisbonâ] 16 Maii. Interim me contuli Viennam, et Norimbergam, ac plane decreveram non amplius ad te scribere nisi intra natalitium Jo. Baptistæ, quemadmodum te ante præmonueram, aliquid aliud præter verba recepissem.

Recepi itaque tandem, cum jam omnia mea consumâssem et amicos meos onerâssem, nobilia quadraginta a Francisco Freschobaldo per litteras collibysticas, cambii vulgus vocat. Nam viginti nobilia pro quibusdam meis debitis solvendis retinuit. Quâ de re tantas tibi ago gratias quantas debeo, immo quantas possum. Certus sum etenim me nunquam eas recepisse, nisi tuâ benevolentia, operâ et favore adjutus fuisset; quamvis tuâ procrastinatione me ferme usque ad extremum protraxisti. Hoc igitur tibi soli acceptum reffero, hocque usque dum vivam memori pectore maximis et innumeris aliis tuis erga me meritis semper accumulabo; tametsi gratissimum et percommodum mihi fuisset si etiam pensionem Di. Jo. proximo præterrito mihi misisses. Nam illa quadraginta nobilia jam consumpta erant, antequam venirent. Quare optime atque humanissime Thoma, si me quicquam amas, rumpe illam tuam solitam comperendinationem et mihi nunc de illâ pecuniâ subvenire non graveris rogo, ne semper egestate langueam ac continuâ expectatione consumar. Equidem vehementer doleo me vobis tantum esse oneri, sed necessitas me cogit. Quanto igitur melius esset vos mihi compensare præben[dâ] meâ, ut vester semper essem et dignitatis Vestræ ubique gentium tutor et amplificator existerem, et quod mihi reliquum est ætatis vestro munere possem transigere.

Quare vir præstantissime, ut id cito perficias te majorem in modum oro atque etiam oro. Nec sis hâc in re (ut mihi qui-

dam communis amicus scribit qui te in eo regno propiorem ait primo quam secundo) ita timidus et non nisi bellissimæ occasionis captator: quam certè non dubito aliquando venturam. Sed vereor ne prius moriar, seu verius contabescam quam optatus ille dies advenit.

Ceterum de his hactenus toties tibi mentem meam explicui. Mors et vita mea in manu tuâ est. Mitto cum his complicatas litteras meas ad excellentissimum Ducem Northfolciæ excusatorias, et multis novis refertas; nam, ut a fide dignis intelligo, sua Excellentia non videtur ita esse erga me animata sicut solebat. Causam prorsus ignoro. Me secum purgo quantum possum. Rem mihi faceres gratissimam ab eo hujus rei causam explorare atque eam mihi significare, ut possem objectis respondere et non damnari inauditus. Prudenti pauca. Litteræ erunt apertæ. Cum legeris claudes et obsignabis una cum illâ [alterâ in] linguâ Gallicâ scriptam. Latinam pro te tenebis. Mihique te vehementissime rogo impræsentiarum parcas, si ad te plura et fusius nunc non scribo. Nam heri me corripuit febricula quæ adhuc me tenet, ob quam vix sum habilis sum legere, nedum scribere, teque ex animo etiam rogatum velim ut mihi cito, ubicunque fuerit Cardinalis Campegius, ad me scribas. Nam secum circa medium Augusti in Italiâ proficiscar, et tandem Romam; ubi puto me non parum posse prodesse causæ vestræ. Verum ubiubi terrarum fuero, tuum me semper esse existimato.

Vale et si amas, tandem mihi semel responde. Saluta meo nomine Magistrum Arondellum, Reverendum Dominum Petrum Vannes, Bonvisum et Rodulphum tuum.

Datæ Ratisbonæ M.D.XXXII. die 22 Julii.

Ne prætermittas obsecro quamprimum litteras ad excellentissimum ducem legeris, eas cum illâ suâ consultatione obsignatas suæ Excellentie in manu propriâ destinare, animus suum bonis verbis in meum favorem demulcendo, quemadmodum optime nosti.

Tui deditissimus

AUG. AUG.

Sealed and endorsed—

Magnifico ac ornatissimo Magistro, Thomæ Cromwell
serenissimi Regis Angliæ Consiliario benemerito,
Domino meo semper observandissimo.

Number CCXC.

Letter from Augustine to Cromwell renewing his request for Church preferment, and stating that they are on the move towards Italy.

MAGNIFICE Domine ac patrone observandissime,
humili commendatione præmissâ.

Record
Office.
an. 24.
fol. 226.

Superioribus diebus ad te scripsi una cum litteris ad Excellentissimum Ducem Northfolciæ satis prolixis, et apertis, ut omnia posses dignoscere. Quare non est quod tecum nunc multis utar. Intellexisti a Francisco Freschobaldo responsum quod dedit illa serenissima Majestas ex suâ benignitate oratori Regis Christianissimi in meâ causâ, quanquam præfatus Dux Northfolciæ illi promissit se pro me in hâc re futurum apud illam Majestatem sollicitatorem.

Quare præstantissime ac humanissime Cromwelle, nunc nihil aliud a te oro, peto, contendoque pro tuâ integritate atque animi candore, atque pro eximiâ tuâ humanitate, collatione tot meritorum erga me sæpius demonstratâ, ut modo non graveris oleum adjicere animo, hoc est perficias quod incepisti, postea quam vides ea omnia bene disposita; et hoc facies, si cum primum aliquod beneficium vacaverit mihi conveniens, id memores illi serenissimæ Majestati in compensationem meam. Quod si forsân aliquo tuo respectu id facere subvereberis, saltem quæso id memores excellentissimo duci Northfolciæ, aut præfato oratori, aut Francisco Freschobaldo qui illis memoret; quanquam longe mihi gratius esset ut tibi ipsi hoc memorares, et tu ipse solus omnia faceres, ut solus tu hujus rei palmam et laudes obtineres, ac tibi soli devinctus essem, tanquam bonorum meorum principio et fini, et quicquid accideret tibi uni omnium beneficentissimo acceptum reffererem. Dignaberis in manu propriâ destinare hisce complicatas litteras ad Excellentissimum ducem Northfolciæ, eum semper continendo in officio, quamvis ipso in me propensissimo: eas apertas mitto, ut videas quæcunque illi scribo, et ut scias nihil mecum cum ullo in illo

regno sive magno, sive parvo homine, quin velim tibi etiam esse commune; ita de cetero faciam, quotiescunque ad excellentiam suam scripsero, modo aliter me non præmoneas; tu lectas apposite claudes et obsignabis.

Expectamus propediem Reverendissimum Cardinalem de Medicis, ut mox recedamus versus Italiam, ad quem locum comitabor officii mei causâ Reverendissimum Cardinalem Campegium. Verum ego ubicunque fuero, amantissime Cromwelle, semper pro meâ virili, omni industriâ, ingenio nulli parcam, labori aut periculo; sicut hactenus feci, rebus illius felicissimi regni semper conabor juvare, quærens semper commodum et honorem ejus, et contraria in quantum potero, repellens, et privatim tibi supra omnes illius regni devotissimus usque ad cineres existam cui tantum debeo ut mortalium nemini.

Bene vale, et me ama ut redamaris. Amabis autem, si res meas⁵⁰ tibi cordi erunt et ad me ubicunque fuero saltem semel me consolatus fueris literis tuis. Ad te autem meo more scribam sæpissime ut tibi mei memoriam refricem.

Data Ratisbonæ M.D.XXXII. Die 28 Julii.

Dignaberis me de meliore notâ commendare Reverendo Domino Petro Vannes, Nobili Arondello, egregio Doctori Butts. Salvebit a me Candidus Bonvisus et Rodolphus tuus optimus adolescens.

devotissimus

AUG^{us}. AUG^{us}.

Sealed and endorsed—

Magnifico ac ornatissimo Magistro Thomæ Cromwell,
Serenissimi Regis Angliæ Consiliario dignissimo,
Domino meo plurimum observando.

Londini.

⁵⁰ A mistake of writing for *meæ*.

Number CCXCI.

*Holograph letter from Augustin to the Duke of Norfolk,
written August 11th, 1532, giving details of the proceed-
ings of the Turk and the Emperor.*

AFTER humble commendations premised; I wrote unto ^{Vitell.} y[our grace the] 23 and 28 days of July last passed. Hitherto ^{B. xxi.} I have [not written] because in so great variety and incon- ^{fol. 64.} stancy of things it [appeared] hard to attain the true knowledge of such news as here been [set forth] for truth. By one only way which is by the mean of King F[erdinandus] there be news brought out of Hungary which Ferdinandus doth of [himself] alter the same for his own commodity, saying otherwhiles that the [Turkish] host doth very near approach us; to the intent he would with the more acce[leration] gather together his aid and succours; and otherwhiles saying that the T[urkish] host is far off, to the intent to diminish the fear of the people, spread[ing] many brutes as he thinketh most convenient to make for his purpose; m[any] times also spread[ing] false rumors and tales being clearly adversant and age[nst] his own weale, because he would prove, search and try the minds of his people and soldiers. Wherefore it is hard, in so great ambiguity (I will not say wilyness) to know the truth. But as I can try out the truth, it was plainly said that the King of the Turks should have entered into Buda, which the Almaynes call Offen, being distant from Vyenne 170 English miles, the 24 day of July, and that for that purpose he had sent before him four thousand horsemen with his victellers and harbengers to prepare his lodgings; but he hath deferred that unto this day for three causes.

One is for the rage and swiftness of the river of Danubius, the which runneth between Hungary beyond Buda 19 Flemish miles, overflowing the country by mean of too much abundance of rain and waters. I omit the fable of the 12 elephants which he bringeth with him for pomp, the which elephants

being feared with the noise of the river would not pass over the bridge by the space of six days. Nor yet could be drawn backward on this side the river, unless they had been pricked forth with hot irons and the fore part of the bridge stopp[ed].

fol. 64 b. The second cause is for that he hath not a little labored about one Peter Perina who is the most noble amongst all the lords of Hungary, a young man of a fresh wit, very well beloved of the people and noble men, and next unto Ferdinandus and John Vayvoda hath the love and favor of the whole realm. Nevertheless between Ferdinandus and Vayvoda he hath ever born himself indifferently, not favouring the one more than the other. Which Peter Perina whiles he lay and kept himself in his strongest and best fortified towns, whereof he [hath m]any, the Turke commanded him to be sent for; whereupon [the sa]me Peter accompanied with four hundred horsemen came quickly unto [him] in the town of Gyeck. Upon whose arrival there the Turke commanded him to yield and put into his hands all his towns and fortresses. Wherewith the said Peter being much abashed and perceiving the help and succour of Vayvoda little to profit him, nor that he had any remedy, began to mollify the Turke with gentle words, saying that he and all his was at the commandment of his highness.

By and by then he and all his men were taken and led to his most strongest castle to deliver the same to the Turke, which the said Peter seriously commanded, and with good heart; but the keeper of the castle denied to accomplish his commandment, alleging that he was not bound to obey his master, being captive; but if they would put his master to liberty, he would then obey him. The Turke thereupon threatened the keeper to torment and slay his master without he would yield the castle; but he still contemned their sayings as frustrate, alleging that his master, being captive, had no power to command him. So that the Turke, seeing this obstinacy, despairing to have the castle, yielded unto them, and fearing to consume much time, in the expugnation and conquering of it, killed and destroyed at once all the said four hundred companions and servants of the said Peter before his eyes, and sent the same Peter bound with chains to be kept at Belgrade.

The third cause is for that the Turke by Abraham Bassa, who is captain of his first host or of the vanguard, going alway before, as the custom is, hath set up the banner or standard of the realm of Hungarie, whereof he would have Alovysius Grytti to be keeper; but that I will not affirm to be true. And also he would that they all should swear unto him fealty, and so many of the lords have sworn, and first in example of all men the Bishop of Colocensis ⁵¹, *ordinis minorum*, who I think was not so learned nor taught by his rules. For this cause the Hungarians be not a little abashed, and the friends of Vayvoda do fear lest the Turke will at the last expel Vayvoda, and make himself or some other king there; and some fear lest he will redacte and bring the whole realm into a province. Wherefore not a few noblemen of Hungarie fol. 65. have [revolted] of the same, promising great aid and succour to King F[erdinandus], amongst whom there is one chiefly of noble fame nam[ed] Valens who sometime was a great enemy to Ferdinand[us, and was a] most friendly and familiar companion to Vayvoda.

Where, as the emperor now lieth, there is yet no certainty of the Turke [coming] and no marvel thereof; for the nearer they do approach us, the more difficult it is for the Sp[anyards] to depart out of the tents of Turks to us for fear of suspicion and [of] cruel punishment. But only by the borderers seeing the to invasions, some knowledge is brought unto us. The Turk's navy of three hundred ships is come to Buda. There was also made an invasion of four thousand horsemen of Turks about Strygon. Out of the castle whereof, when there issued and came out about three hundred Almaynes under our banner to make a light skirmish with the said horsemen Turks, they fained to fly and laid themselves in await or inbusshement. Thereupon the Almaynes being foot men, for weariness laid themselves to rest in a fair meadow under the walls of the city, sleeping and drinking; which the said Turks espying suddenly came upon them, and many of them they slew, and some they took, amongst the which is named the standard bearer who was born at Norimberge for whose ransom his people have sent to Buda. There was also

⁵¹ Meaning Kolocza.

an entree or invasion made in to the town called *oppidum granarium*⁵² which is in the middle of the way between Vyenne and Buda, which for lack of strength and defence was relict and forsaken.

The Turks were also seen entering or invading within four Flemish miles of Neustat, that is to say, the new city called Semprun, in latin *Sempronium*, which is on the side half towards Italie, distant from Vyenne one short day's journey.

Further the fame and brute here is very constant that the Turke hath sent forty-six thousand horsemen to destroy all Austrige beyond Danubium, and specially a very fertile country which the inhabitants do call Markefeld. The strength of Vyenne daily increaseth; and I think at this day there be in the same fifteen thousand men of war.

fol. 70 b. About the middle of this month shall the emperor's host under Duke Fredericus Palatinus, ynne, Creme, etc about Vyenne.

[The] 27 day of July the Spanyards host which is about seven thousand [foot]emen, three thousand⁵³ and four thousand with Morish pikes departed out of Cassall the more in Lombardie towards CEnipontem or Enspruch, from whence they may come by the rivers of CEnus and Danubium to Patavium which the Germans do call Passaw, whither it is thought that the emperor will go towards the end of this month to view them. The Italions, both footmen and horsemen shall follow with their banners and standards about the middle of September. The Italions footmen be ten thousand more or less and the horsemen two thousand beside those two hundred of the Duke of Ferrers.

Finally the Christen hoste (though the same be gathered out of sundry places and countries) shall be very great, and peradventure greater than it was thought to be at the beginning, by mean of many noble men, which of their own freewill and motion do either come to the wars, or else do send their succours and powers, and of the Lutherans also which, contrary to the hope, expectation and trust of all men, do send great succours. I will not deny for all that but that the

⁵² Gran on the Danube.

⁵³ This is a blank in the MS.

emperor hath compounded with divers of his lands, countries and dominions which be far distant from this place for ready money, and peradventure for less than the charges should have been in provision and sending of men of war, as the money which the Duke of Begiere coming out of Spayne appointed and sent hither for the appointing of two thousand footmen and a hundred horsemen. And because he hath sufficient and footmen enough, and lacketh horsemen, he would permit and change that with the same money might be appointed two hundred horsemen, being Hungariens, and one hundred horsemen upon barbed horses out of Burgundie. So that in all men's judgement the number of footmen shall be about one hundred thousand, and of the horsemen above thirty thousand, and great guns or bombards about one hundred and fifty.

The emperor returned into this city the 3rd day of this month, and the next night after was taken with a fever. Nevertheless he tarried in this city unto the 8th day of this month for certain business, and then returned to his baynes, as the physicians do say, not very healthful, which they say peradventure for envy of the master of the baynes, who hath taken upon him the whole charge [to cure and] make whole the emperor, all the other ordinary physicians seek master of the baynes, for as much as he is also physician at emperor to be fed and nourished only that the flesh wild-swine and such other dry meats of that kind The other physicians do fear lest when his majesty shall go into [the baynes] that the itching in his skin and legs together with the fev[er should] return and come again upon him worse than before.

As touching the emperor's navy which is come to Naples, how great it is or what it goeth about or intendeth, I think your grace [to be] sufficiently and abundantly instructed of all things by your ambassadors at Rome. It is certain in the opinion and judgement of all men to be far more puyssant than the Turks' navy; I say not in number of ships but for the greatness of the ships, and their instructions, and for the good knowledge, cunning and experience of the shipmen and mariners.

The Turks' navy, in number one hundred and fifty sail,

among the which be eighty galleys, is come to Meton, commonly called Modone. For the true knowledge whereof, as we understand by letters out of Venyce dated the 1st of this month, one Vincent Capello, captain general of the Venecyans' navy, being at the isle of Corcyra, which is commonly called Corfu, with fifty galleys, abiding and looking out for the coming of twenty-two galleys out of Venyce, sent before to Modone a certain ship friendly to understand and know the certainty whether the Turks' navy were there; and the same ship was taken by the Turks, nor it availed them not to say that they were of the jurisdiction and power of Venyce, so that they were all slain at once; which fact and deed, forasmuch as the said Captain Venecian knew it not, and long had looked for the coming of his ship all in vain, sent forth two subtile galleys towards Modon, the which should give reverence to the captain of the Turks' navy who is the Governor of Calipo and if it might be to common and speech with some of them; which two galleys when they did approach within the sight of the said navy, and in sign and token of reverence had bowed or avayled a bonnet, the Turks without any token of war-battle given, shot out against them their ordinance and innumerable gun-shot so that one of the masts was broken; and if they had not fled hastily, undoubted[ly they had been] either drowned or taken with their enemies, which [thing] was brought to the knowledge of the said captain [Venec]yan, and so known throughout all Venyce. The Duke of Venyce and certain other Senators, either too much fearing the power and puissance of the Turk, or else peradventure favouring the Turk's affairs, coloured the matter, referring and laying all the blame to the captain of the ship who was slain and to the captains of the two galleys which peradventure went too far before the Turk's mind was known.

fol. 66 b.

They fear also lest the Turk's navy will enter in *sinum Adriaticum*, and will abide this winter in the channel of Catharus or some other port of Venyce, by mean whereof great danger and peril shall daily hang over the city of Venyce and her merchandizes.

Wherefore, because the Turk shall find no quarrel against them, they have straitly commanded that no man, nother footman, horseman ne mariner shall take any wages or stipend of

any prince but only of the dominion of Venice; for many of their people and nation had taken wages in Italie of the emperor against the Turke; also for this cause they would not suffer that the bombards should be shot in their ship-boats in the Pope's name to be sent to Ancona. These things were wisely and waringly wrought, but how wisely soever they shall work they be sure to be also destroyed by the Turke, but yet they go about and labour to be the last. This thing also I think you do know well enough, which is, that when the King of Turke heard tell of one Ringonus, of whom I wrote unto you in my last letters, that he should lie still at Ragusium oppressed and molested with grievous and continual sickness, the Turk sent for him, commanding that he should come unto him, and if he were not able to ride that yet he should come in a horse litter, or else be carried and brought to him by the hands of men.

As touching the acts in the Diet or Council of the Helvetians at Bade or Balnea, there is nothing yet known of certainty, but there hath been a rumour, noise and bruit amongst them, not only for a strife and debate, but also for a fray and strokes given between one of the French king's ambassadors and the nephew of one Bartholomew Maius Barinensis, who is much studious and favourable to the French party. I shew not all, for I think your grace doth know it very well.

Also notwithstanding that there is great provision and preparation in these parts that the host may join, yet is it the opinion of wise men, and I think no foolish opinion, that some end or composition or some trews [may be made] betwixt Vayvoda and Ferdinandus; for there was sent from Poyle (who always hath been a mediator) a certain bishop named Episcopus Colmensis, which hath been his king's ambassador here alms and is very well beloved of the emperor and percase was not sent to without the emperor's will and consent. But the end shall prove the

Touching the ambassadors of Ferdinandus, it is of certainty that they have come to the Turke, being at Nissa, and there have presented unto him certain clothes of silk and gold and a great piece or cup of gold carved and set with precious

stones, but what answer they had or where they be, or whether they be or live, it is yet unknown.

The fame goeth here that your most noble king hath obtained of the Pope two tenths or tithes to be levied of the clergy for an aid or subsidy against the Turke.

Your excellence shall receive with these my letters the sum of all the acts made at the last Council in Ratispone and specially the article of the Council General. All other things be referred to the emperor's return, and such thing as ben determined at this council shall not be printed till within these two months at Moguntia, whereat is the see of the chief chancellor of the emperor.

To morrow shall enter this city the legate de Medices, whom the King of Romaynes accompanied with the ambassadors of the princes and noblemen intendeth to obvyate and meet without the walls of the city. The said legate bringeth with him four hundred horsemen in which number be five bishops, viz. Episcopus Tortonensis, alias prothonotarius Gambar, Episcopus Papiæ, Episcopus Forliniensis, Episcopus Forsinus and a hundred and fifty ⁵⁴ for to keep and preserve his body, with divers other barons and captains.

Yesterday in the morning died John ⁵⁵ the Prince of Dania, the first begotten son of King Christiernus, the emperor's nephew on the sister's side, whose death is greatly lamented throughout all the court, and chiefly of the emperor who tenderly loved him as his own son. He was 14 years old and a young man of a royal wit and disposition, and of very good hope. The seventh day of this month he died of a certain disease or infirmity called ⁵⁶ with a great wind or rombling in his guts inwards and entrails, with also a continual fever or ague, of the which disease many noblemen have died in this city.

. the sundry tales told of King Christiernus, for first it was [rumoured tha]t he had put to flight the Duke of

⁵⁴ The blank is in the MS.

⁵⁵ He was son of Christiern II, King of Denmark, who had married Isabella the Emperor's sister, the second daughter of Philip and Juana. The writer pro-

bably means that the tidings of the death, which he afterwards says took place on the 7th, reached him on the 10th.

⁵⁶ Blank in the MS.

Holsatia his uncle, and [that ther]e was slain in that battle five hundred gentlemen, and also great [slaught]er was made of the Lubeks. But now it is understonded that [he wa]s put to flight in a great battle and is taken. Ye that be nearer shall better know the truth of the matter. The opinion of some men is that the emperor beareth now like love and affection (as he bare unto the said prince deceased) to his sister ⁵⁷, and goeth about with great diligence to marry her to the King of Scotts, albeit that ye go about and labor the contrary.

Here was a great consultation touching victualls for so great a host, I mean not for the finding of victualls for there is sufficient in Germany; and great commodity in the conveying of the same by the rivers of Lyeus, CEnus, and Danubium, always with prosperous flood, but I mean of an order to be taken that some man should take upon him this province to serve the host plenteously of victual in this war. At the last it seemeth that the emperor with certain other lords and merchants of focare and paucotten have set an order in this matter, and hath borrowed fifty thousand florins of the Bishop of Patavien, who is the brother of the Dukes of Bavaria; but this matter is to me very difficult and obscure.

Within these eight days, God willing, I will take my journey towards Italie with the legate. First we shall go to Patavium or Padua, after that to Bononia and so to Rome before winter; where if I may do anything for your most noble king or for your grace privately, I am wholly at his royal commandment etc.

Dat. Ratisponæ M.D.XXXII die 11 Augusti.

It is understonde for a surety that the first host of the Turks hath entered and invaded about Semprun before named, and that they will besiege a certain town not far from thence called Binzie not very well fortified. But the Lord or Master of that town writeth that he is nothing afeard; and in like wise he writeth of the power and defence of Vyenne, about the which it is thought that the Turks will compass and

⁵⁷ Dorothy, the eldest daughter, daughter, Christina, was afterwards who was married in 1535 to Fred- married to Francis, Duke of eric, Elector Palatine. The other Milan.

invade shortly. Wherefore there was sent hither this day a certain captain from the Marquis of Guasti, who conducteth the Spanyards, from Italy to go to Vyenne, and to view the situation of the city and places lying thereabout. But he is counselled to tarry here lest he fall into his enemies' hands ⁵⁸.

⁵⁸ Here the MS. abruptly terminates. It is probable that at least one leaf has been lost, as there is no signature of the writer's name.

Number CCXCII.

Cranmer's letter to the King detailing news of the Emperor's proceedings; written at Ratisbon September 4, 1532.

TO KING HENRY VIII.

Strype's
Cranmer,
from Sir
W. Hickes'
MSS.

PLEASETH it your highness to understand, that at my last solicitation unto Monsieur Grandeveile for an answer of the contract of merchandise between the merchants of your grace's realm, and the merchants of the emperor's Low Countries, the said Monsieur Grandeveile shewed me, that forso-much as the diet concerning the said contract was lately held in Flaundres, where the Queen of Hungary is governatrice, the emperor thought good to do nothing therein without her advice, but to make answer by her rather than by me. Wherefore it may please your grace no further to look for answer of me herein, but of the queen, unto whom the whole answer is committed.

Moreover, when the said Monsieur Grandeveile inquired of me, if I had any answer of the aid and subsidy which the emperor desired of your grace, I reported unto him fully your grace's answer, according unto mine instructions sent unto me by your grace's servant, William Paget. Which answer he desired me to deliver him in writing, that he might refer the same truly unto the emperor; and so I did. Nevertheless the emperor, now at his departing, hath had such importune business, that Monsieur Grandeveile assigned me to repair unto the emperor again at Lyntz; for there, he said, I shall have an answer again in writing. The French ambassador and I with all diligence do make preparation to furnish ourselves of wagons, horses, ships, tents, and other things necessary to our voyage; but it will be at the least eight or ten days before we can be ready to depart hence. Yet we trust to be at Lyntz before the emperor; for he will tarry by the way at Passaw ten or twelve days.

As for the Turk, he resideth still in Hungary in the same place environed upon all parts, whereof I wrote unto your highness in my last letters. And the emperor departed from Abagh⁵⁹ toward Vienna the second day of this month by land, not coming by this town; but the same day the king Ferdinando departed from this town by water, and at Passaw, fourteen miles hence, they shall meet, and so pass forth unto Lyntz, which is the midway from hence unto Vienna. And there the emperor will tarry to counsel what he will do: and there all the ambassadors shall know his pleasure, as Monsieur Grandeveile shewed me.

I have sent herewith unto your grace the copy of the emperor's proclamation concerning a general council, and a reformation to be had in Germany for the controyersies of the faith. Also I have sent the tax of all the states of the empire, how many soldiers every man is limited unto for the aid against the Turk. Wherein your grace may perceive, that the greatest prince in Germany (only the Duke of Burgundy and Austrey except) is not appointed above 120 horsemen and 554 footmen. Thus our Lord evermore have your highness in his preservation and governance.

From Regenspurch, the 4 day of September.

Your grace's most humble subject,

chaplain, and beadman,

THOMAS CRANMER.

⁵⁹ This probably means *Amberg*.

Number CCXCIII.

Cranmer's letter to the King detailing further news of the Emperor's proceedings; written at Villach, October 20, 1532.

TO KING HENRY VIII.

Vitell.
B. xxi.
fol. 79.
al. 89.

PLEASETH it your highness to understand, that [the emperor hath made] such speed in his journey toward Spayne, that [he hath travelled] two hundred English miles from Vienna, and is [now at a] town called Villach, but six Dutch miles from Italy, [from whence, if] possible, he intendeth to pass the seas into Spayne bef[ore Chri]stmas. But in his passage through Italy he will speak [with the] Pope, with whom, among other matters, I suppose he will tr[eat of] a general council to be had this next year to come, accordi[ng] to his promise unto the princes of Almayne at this last di[et]. And I do think that he will not forget to make mention u[n]to the] Pope of your grace's great cause; wherein I humbly beseech your highness that I may be instructed of your pleasure what I shall do. And because the said meeting should not much empech the emperor's long [journey] into Spayne, he hath directed letters unto the Pope, to meet him [at] some place in his way toward Genua. What place that shall be, is not yet known, as Monsieur Grandeveile informed me, but I shall certify your grace as soon as I shall have sure knowledge thereof. But I fear that the emperor will depart thence, before my letters shall come unto your grace's hands: and if not, I beseech your grace of instructions, what I shall entreat with your grace's ambassadors unto the Pope's holiness, if we meet together, as I suppose we shall.

As touching the emperor's army of Italians and Spaniards that came out of Italy, in their coming to Vienna by Isprugh, Passaw, Lyntz, and other places adjoining to the waters of Enus and Danubius, they have done great damage unto all the countries that they have passed by, as I wrote unto your highness in my last letters, dated the second day of this

month; but now, in returning again into Italy by another way through Austria, Stiria, and Carinthia, the Italians have done much more harm. For eight thousand of them, which were conducted hither *per comitem Sancti Secundi, Martionem Colump[ne] comitem Philippum Tornierum, et Jo. Baptistam Castoldum*, for indignation that the emperor would not prosecute the Turk, and for lack of payment of their wages, departed from the emperor and from their captains, and chose captain among themselves, and went before the emperor, spoiling and robbing all the countries of Austria, Stiria, and Carinthia, more than two hundred English miles in length, as well churches as other houses, not leaving monstral nor the sacrament. And the men of arms that come with the emperor, and other that follow the court, do consume] all that the other left, in such sort, that I, following two days after the emperor from Vienna, found in no town that was unwall'd man, woman, nor child, meat, drink, nor bedding; but, thanked be God! I found straw, hay, and corn for my horses to eat, and for myself and my servant to lie in, but the people were all fled into [the] mountains for fear.

And the said Italians not only robbed the towns, but also ravished the [wo]men, and beat the men, and slew many. And yet cometh after the emperor [a] captain called Fabricius Maromaus with his band about three thousand, who brenneth up all the towns which before were but spoiled, as I am informed by two of my servants which I left at Vienna, the one sick, and the other to keep him: and they told me that all the towns by the way, so far as Fabricius Maromaus hath gone, be clean brent up, so much that not one house is standing, except in such strong holds as they could not attain unto. And yet one walled town they have entered into and spoiled, which the other that went before durst not attempt to assault; the name of it is Newmarkes, and a servant of mine was present, when they brake the gates and slew the porters. Of this sacking and brenning is like to ensue great penury and default of all victuals, and specially of corn; forsomuch as the corn here is brent up, whereupon the people should live this year, and sow their land against the next year. Thus is this country miserably oppressed of all parties, but much more by

them that came to defend this country, than it was by the Turks.

*So that hitherto I can see no great fruit that hath succeeded of this puissant army assembled against the Turk. For it hath alienated the minds of the Almaines from the Italians and Spaniards much more than ever they were before. And moreover, as far as I can understand, it hath not a little diminished the minds, as well of the Italians as Almaines, towards the emperor, because that he so shortly hath dissolved the said army that came to him with so good courages, and he hath not prosecuted the said enterprise against the Turk throughout all Hungary and Greece, according to their expectation; but now the men at arms be much displeased, and many of them do say openly, that they will never return at the emperor's calling hereafter*⁶⁰.

And now the husbandmen of this country be in such a tumultuation for the loss of their goods and the brenning of their houses, that they muster together upon the mountains, and with guns and stones do slay many of the emperor's people. And in divers places they come down from the mountains in the night, and do slay all the small companies that they may find sleeping. And many times they come down in the day in good companies, and rob carriages that do follow the court, and slay as many as will withstand them: so much that they have slain many gentlemen of the court; and yesterday they slew three or four gentlemen of Burgon, for whose death the emperor is right pensive. But the boors put no difference between one man and another, for all that go with the emperor be to them Italians and Spaniards. They have also slain the ambassador of Mantua, as the constant fame hath been here continually these three days. And the legate de Medices, at a town six miles hence called St. Vite, was taken prison[er, but was released] by favour of the emperor's letters; but after in another place [they would have] slain him, if he had not escaped with good horses; [they slew] one of his men of arms with an arquebuse, and took Mon . . . whom your grace knoweth right well, and he had been sl[ain by the stroke of] an halberd, if the stroke had not light short:

⁶⁰ The passages in Italics were written in cypher. It is the same cypher that is used by Benet.

nevertheless [his clothes] upon his breast were cut down with the stroke unto the bare [flesh]; and afterwards they led him into the mountains almost two days, and [would] have slain him, if one man had not been his friend. And [since] is word brought, that four of the said legate's carriages be robbed, [which] came after the emperor; and every day we hear of much murder and [rob]bing done by the boors. And yet all these dangers, than[ked be God,] I have escaped; but these two days to come I shall be [in] more jeopardy of the boors, than I was at any time yet: nevertheless, he that conducted me safely hither, I trust he will likewise conduct me into Italy and Spain, and afterward to England again.

Don Ferdinando is not much beloved in these parts, neither of the princes that be adjoining to them, nor also of his own subjects. And this wasting of this country is like to augment the murmur of the people against him; whereupon many men do fear an insurrection to follow very shortly, whereunto this commotion of the commons is a very pre-parative. Deus omnia vertat in gloriam suam: for hereof might follow such inconvenience as in many years after should be irrep[arable].

Here hath appeared two hours before daylight every morning since the fifth or sixth day of this month a blazing star, called *cometa* ⁶¹, straight in the east, casting his beam upward, partly inclined toward the south, much whiter in colour than was the other that appeared the last year. And moreover many persons here do affirm, that they have seen above the moon a blue cross, which mine host in a city called Indiburs and all his household did see, as they shewed me. Other do say, that they have seen an horse-head flaming, other have seen a flaming sword. But of these other impressions I cannot assure your grace; for I saw no mo but the comet, which I saw within these two days. What strange things these tokens do signify to come hereafter, God knoweth: for they do not lightly appear, but against some great mutation; and it hath not be seen (as I suppose) that so ma[ny] comets have appeared in so short time.

. a as is a great infection of the plague, whereof

⁶¹ This comet reached its perihelion 19 October, 1532.

is dead many of the em[peror's] household, and among other is dead Waldesius, a Spaniard, the em[peror's] chief secretary, and was in his singular favour. He was well learned in the Latin tongue, and partly in the Greek; and whensoever the emperor would have any thing well and exactly done in the Latin tongue, it was ever put to Waldesius; and I suppose that he made the draught of the answer of the emperor, which I sent unto your grace inclosed with my last letters.

In my journey from Vienna I passed through the place where was the first battle against the fourteen thousand Turks that came to Ens, though many say they were but eight thousand. In which battle were captains of our party, Cassiander, born in Croatia, and two Turks which have been long time servants unto king Ferdinando; one is called Bacrespal, and the other Turk Waylande. But the Turks durst not abide for fear of duke Frederick, which was very near with six thousand horsemen and a great number of footmen. By the high way, as I rode almost two English miles, lay many dead men and horses, part of Christian, and part of Turks. But the great number were Turks. But to mine estimation, as much as I could view the ground, there was not slain upon both parties two thousand men. But after in another place were slain about two thousand Turks of the same band, and they slew again two or three thousand Spaniards arquebusiers at the same time, and took divers prisoners, whom they carried with them into Hungary. Beside that, from their first entering into Austria and Stiria until their returning into Hungary again, they slew in one place and other above fifteen or sixteen thousand christian men, and took many prisoners, and escaped themselves all but three or four thousand, which were slain as I have above written. This is the voice of this country, which I have now written unto your grace; but Monsieur Grandeveile shewed me otherwise, that all the said Turks were slain except two or three hundred, as I wrote unto your grace in my last letters. Now I have signified unto your grace both the saying of Monsieur Grandeveile, and also the voice of this country, permitting unto your grace's wisdom the judgment of both.

This same day a doctor, chaplain to the bishop of Saltzburg, shewed me that the Turk prepareth another army; but I can

hear no good ground thereof to give credence unto as yet: as soon as I can inquire the truth, I shall certify your grace thereof.

The king Ferdinando hitherto hath accompanied the emperor, and shortly he shall depart unto Isbrugh, where the queen is. And because that I must follow the emperor, I thought it good to salute him before his departure from the emperor, and to offer him my service, and to understand if he would any thing command me unto your grace; who [heartily commendeth] him unto your highness, and said that forsomuch as the emperor [made your highness] participant of all the news here, it should not require [any other] news sent but only this, that the emperor and he have recei[ved letters from] sundry parts according in one thing, that Andrew Doria h[ad capti]vate and taken from the Turk Modona and Corona in Morea, [with an]other strong hold, whereof he remembered not the name. But [because] that hitherto they have no letters thereof from Andrew Doria himself, they will not yet give firm credence thereto.

Moreover the emperor hath sent for the duke William of Bavaria to come to him, that before his departing out of Almayne he may conclu[de] peace between the king Ferdinando and the duke of Bavaria, lest that after his departing more inconven[iences] may fall than hath been heretofore.

The duke Dalby an Hispaniard came hither to help the emperor in his wars, and this same day is word come, that his brother's carriages, six mulettes, and fourteen horses be taken by the boors, and two of his servants slain, and the rest fled away. And this is done in the way which, by the grace of God, I must ride to-morrow.

As concerning the duke Frederick, the French ambassador advised me not to speak with him in the camp, for that should gender a suspicion unto the emperor; and after that the emperor had dissolved his army, duke Frederick incontinent departed with his band of the empire toward his own dominion by Regenspurg; so that I, going with the emperor another way, cou[ld] not speak with duke Frederick, to understand if he had any communication with the emperor in your grace's cause. But the French ambassador, (which, coming to Vienna by the water of Danubius, left his horses at Passaw, almost

two hundred English miles from Vienna,) was compelled to leave the emperor, and in wagons to ride to his horses the same way that duke Frederick went. And he promised me to speak to duke Frederick in your grace's cause, and to bring me an answer, which as soon as he cometh I shall send unto your grace. And thus Almighty God have your highness evermore in his preservation and governance.

From Villach the 20th day of October.

Your highness'

[most humble subject,] chaplain and

[beadsman

THOMAS CRANMER.]

Number CCXCIV.

*Extracts from letters written from Sept. 23 to Sept. 26,
detailing the operations against the Turks.*

Vitell.
B. xiii.
fol. 216.

SENTENTIA literarum Romæ ad Jacobum
[Salviati].

Quum certiores facti essemus classem Turcarum
Turcarum sese recipere, illam insequi cœpimus, et
Augusti Hidruntem pervenimus. Quumque inde etiam
teneremus insequendo, nec jam spes ulla reliqua esset
statuimus Methonem accedere, quo die hujus mensi[s]
missis autem in terram exploratoribus, cognitâ diffi[cultate
illam] expugnandi, quoniam hostes de nostro adventu certiores
[facti, ad se] defendendum optime parati erant, honoris nostri
ha nisi saltem Coronem tentaremus, cujus expug-
natio[nem] futuram audiebamus.

Ad Coronem igitur die S[eptembris] in conti-
nentem descendimus, ac naturâ loci cognit[â,
terrâ ac mari ab omnibus partibus oppidum tentand[um] . . .
. horâ, 14 tormentis bellicis murus percuti cœpis-
[set] 21 ad murum scalis posit[is], ex unâ oppidi
par[te quæ ad] spectat, ducenti equites nostri ordinis
. ducebam, eam partem Coronæ cepimus quæ
mari insula appellatur. Alteram autem
partem Castell[i] quam Turcæ per totam noctem
sequentem mi destiterunt. Atque interim
ex Castello, signo acc septingenti partem quan-
dam nostrorum peditum quæ erat, sunt ag-
gressi, quorum major pars a nostris cæs[a est], aliquot etiam
capti; nonnullorum capita lanceis [imposita sunt] et oppidanis
ostensa.

Quibus ex rebus qui Castellum [defendebant] de deden-
dis uxoribus, filiis, rebusque aliis, conditione[s inire] inci-
piunt, dicentes non posse oppidum Castellu[m]

proditionis crimine, unde certissimam mo
expectârant

. no virorum tantum corpora salva peterent, ac fol. 216 b.
posse [exire e] civitate qui nollent habitandi causâ remanere.
Decrevimus [vict]oris esse dare, non accipere conditiones.
Atque ita se res [in præsenti ha]bet. Quid deinde fiet,
perscribam.

Coronæ die 23 [Se]ptembris. M.D.XXXII.

[D]ie vero 24 Princeps ita cum hostibus convenit [u]t ipsis
eorumque rebus salvis, eis tuto abire liceret. [At]que ita
nobis ex primatibus decem obsides dederunt. [In]sequenti
die nos ad portas Castelli cum obsidibus accessimus. [Dei]nde
Turcæ omnes exiverunt utriusque sexûs et omnium [æt]atum,
ad numerum duorum milium quadringentorum et amplius,
[e] quibus, qui arma ferre possent ad quingentos fuerunt.
[Fuer]unt autem ex nostris deputati qui ipsos comitarentur.
[His] autem egressis, nos Castellum introivimus, et insignia
castr atifici et Rhodi ereximus, ac etiam Doriana
vexilla.

Die 25 Septembris.

. odus princeps pedites omnes navibus imposuit,
relicto Coronæ tis justo præsidio sub Hieronimo
Mendotia. Qui hesterno die [su]b fide principis dimissi sunt;
partim spoliati, partim cæsi fuerunt. Quæ res fuit pessimi
exempli. Christiani qui Coronæ fuerunt haud etiam bene
fuerunt tractati in hoc principio. Verendumque est ne in fine
etiam pejora patiantur. Nunc, hyeme supraveniente, quum
etiam nostra classis satis abunde rebus omnibus sit
munita, pauca fieri [possunt].

Die 26 Septembris.

Number CCXCV.

Letter of credence for Nicholas Hawkins to the Dukes of Bavaria, written Sept. 27, 1532.

Vitell.
B. xxi.
fol. 75.
al. 84.

HENRICUS, Dei gratiâ Rex Angliæ et Franciæ, fidei Defensor ac Dominus Hiberniæ, Illustrissimis ac eximiis principibus, Dominis Willelmo et Lodovico utriusque Baviariæ ducibus etc., Consanguineis nostris carissimis, salutem.

Quum fraterno quodam animi affectu, Excellentias vestras prosequamur, simusque ipsarum nobilissimæ familiæ quam maxime studiosi, sæpeque antea perspectum habeamus quam amico sint erga nos pectore, suoque patrocinio et operâ, siquando usu venit, rebus nostris benignæ semper adfuerint; nullam prætermittere nolumus occasionem, synceram hanc nostram in illas benevolentiam attestandi.

Quum igitur dilectum ac fidelem nostrum dominum Nicolaum Hawkyns, archidiaconum Eliensem, consiliarium nostrum ad Cæsaream Majestatem oratorem impræsentia mittamus, ut alterius qui hactenus illic egit et nunc revocati locum suppleat; visum nobis est Excellentias vestras, quas unice diligimus, his nostris litteris ex animo salutare, rogareque ut ea officia in omne tempus de nobis sibi velint polliceri, quæ a sui amatissimo possent expectare; plenamque eidem oratori nostro fidem in omnibus habere quæ nostro nomine exponet. Quod nobis gratissimum est futurum. Et feliciter valeant.

Ex Regiâ nostrâ Grenwici, Die 27 Septembris M.D.XXXII.

Endorsed—

Illustrissimis ac Eximiis Principibus, Dominis Willelmo et Lodovico utriusque Baviariæ ducibus, etc., Consanguineis nostris carissimis.

Number CCXCVI.

*Copy of Hawkins' credentials as ambassador to the Emperor,
signed by the King's own hand and dated Sept. 30, 1532.*

HENRICUS, Dei Gratiâ Rex Angliæ et Franciæ, fidei Vitell.
Defensor, et Dominus Hiberniæ, Illustrissimo principi B. xxi.
Domino Wolphango, principi in Anhaulte etc., amico fol. 76,
nostro carissimo, salutem. al 85.

Ob amicitiam, quæ fraterna synceraque nobis cum Dominatione vestrâ antiquitus intercedit, assiduis ultro citroque benevolentiae officiis confirmata, nullam occasionem prætermittendam esse censemus, quâ nostrum in ipsam studium quomodo comprobare queamus. Impræsentia itaque mittentes ad Cæsaream Majestatem dilectum nobis ac fidelem Dominum Nicolaûm Hawkyns, Archidiaconum Eliensem, nostrumque consiliarium ut alterius nostri Oratoris (quem nuper revocavimus), partes suppleat, voluimus his nostris litteris et per eundem Oratorem nostrum, vestram Dominationem, iterum atque iterum ex animo salutare, rogareque ut (si quando usu veniat) non gravetur amicam omnem operam sibi de nobis polliceri, haud dubieque perspiciet, nos esse mutuæ nostræ jampridem initæ amicitiae, quam maxime tenaces. Rogamus deinde ut eidem oratori nostro in iis omnibus quæ nostro nomine eidem Dominationi Vestræ referet, velit certam indubiamque fidem adhibere.

Et feliciter ipsa valeat.

Ex Regiâ nostrâ Grenwici, die ultimo Septembris
M.D.XXXII.

Vester bonus amicus,

HENRY R.

Endorsed—

Illustrissimo Principi Domino Wolph[ango, principi
in Anhaulte] etc., amico nostro carissimo.

Number CCXCVII.

Proclamation issued at the beginning of October, 1532, for the administration of justice during the King's absence from the country.

Somerset
House.

THE KING OUR SOVEREIGN

lord, being his grace resolved and determined upon such causes and grounds as tendeth to the wealth of this his realm and the benefit of Christendome, to accomplish such appointment as between his highness and his good brother and perpetual ally the French king concerning their meeting beyond the seas hath been concluded and taken: the tender zeal and princely affection, which his majesty beareth to his most dear and well-beloved subjects, hath stered and provoked his high wisdom to consider the due and perfect establishment of good order rest and quiet among his people to be preserved and maintained by due administration of justice in his grace's absence, and to make convenient provision for the same.

Wherefore his highness doth you to understand that for the causes before specified, his grace hath by the advice of his council named and appointed certain personages of nobility, wisdom, great experience, and knowledge, who his highness hath auctorised by sufficient commission to order and direct such matters as shall chance in his grace's absence, needing and requiring reformation; And therefore willet all and every of his subjects, as they shall find themselves greved, to repare unto them and also straytly chargeth and commandeth his said subjects, of what estate degree or condition soever they be, to obey such orders and directions, as shall be made by the said council with no less regard and respect than if the same proceeded and passed directly from his grace's own person.

This Council is established at Westminster.

God save the King.

Tho. Berthelet reg. impressor excu-
debat. Cum privilegio.

Number CCXCVIII.

Letter of Credence addressed by the King to the King of Hungary in favour of Nicholas Hawkins, who is substituted in the place of Thomas Cranmer as ambassador; written October 1, 1532.

TRESHAULT et tresexcellent prince, Nostre trescher et tresame frere, cousin, [et beau nepveu si cordialment] et si affectueusement que faire pouvons, a vous nous recommandons, ayant octroye a nostre feal et bien ayme conseiller Docto[r Cranmere aup]aravant nostre ambassadeur la resident conge et licence de sen retourer par devers nous. Et envoyant a present, nostre feal et bien ayme [conseiller, Nicolas] Hawkyns, Archidiacre de Ely faire noz treaffectueuses recommendations, et selon nostre maniere acoustumee estre pardela n[ostre ambassadeur] au lieu du d^r Cranemer resident, et vous faire scavoir dung temps en aultre de noz nouvelles et succez et nous advertir des vostres [trav]calx ouyr, vous avons voulu rescripre les presents, et vous prier, treshault et tresexcellent prince, nostre trescher et tresame frere, [cousin et] beaux nepveu, que luy vueillez de temps en temps donner favorable audience ensemble a tout ce que par nous vous exposera autant f[idelite, f]oy et credence que feriez a nous mesmes si estions la en persone. Luy donnant aussy en tout ce quil pourra avoir affaire vostre bonne addi et direction acoustumee. Par luy non seulement nous advertissant de voz nouvelles et succez, mais aussy signifiant sil y a chose en nostre Royaulme en quoy vous sachons faire plaisir. Car lobtiendres de bien bon one^r. Come scait nostre benoist Createur qui apres victoire de [nostres] communs ennemys, en bonne prosperite vous doint, treshault et tresexcellent prince, nostre trescher et tresame frere, cousin et beau nepveu, bonne vie et longue.

Vitell.
B. xxi.
fol. 78.
al 87.

Escript a nostre manoir de Grenewiche, le premier jour
Octobre, Lan mil cinq cent trente deux.

Vostre ⁶² bon frere, cousin et oncle,

HENRY R.

Endorsed—

A treshault et tresexcellent prince, nostre tres cher
et tresame frere, cousin et beau nepveu, Le
roy de Hungarye et Bohesme, esleu Roy des
Romains etc.

⁶² The signature and conclusion are in the King's own hand.

Number CCXCIX.

*Imperfect copy of Instructions sent to Sir Thomas Elyot,
October 7, 1532.*

TRUSTY and right well beloved we greet you well, and thinking it expedient to fish out and know in what opinion the emperor is of us, and whether, despairing of our old friendship towards him, or fearing other our new communication with France, he seeketh ways and means that might be to our detriment or no, we have thought it right convenient that ye know our mind and purpose in this behalf, should at the first repair to the emperor, after such words of salutation as be comprised in your instructions, say unto the same emperor on our behalf that whereas we by our ambassadors at Rome complaining to the Pope of the misintreating of us and the manifest injuries done to us by his deputies in calling us to Rome, there by ourself or our Proctor to make answer, the which, the universities of Paris and Orleans, the Chauncelor of France and our good brother's the French king's Councillors and Presidents of the Court of Parliament in Paris, affirm to be notorious wrong, against all laws, and that all other learned men for the most part elsewhere confirm the same; forasmuch as answer hath been made by the Pope, that the emperor written unto by him, will not otherwise agree, but saith (as the Pope voucheth) that he will have the cause examined in none other place but at Rome, we have thought good to signify the premisses unto the said emperor by you in your first access to the same, and to say on our behalf that we remembering what words the emperor hath heretofore spoken, concerning our great cause between us and the Queen, how he would not meddle otherwise than according to Justice, with that considering how little cause he hath to do us wrong or to be author or favourer of any injustice to be done unto us, we having always deserved favour, pleasure, and kindness on our part, we be induced to believe rather that

Vitell.
B. xxi.
fol. 56.
al 60.

the said emperor is wrongfully reported by the Pope and that they would for the extension of their authority use the said emperor for a visage than otherwise.

And yet on the other side, the Pope so often repeating the same unto us, and brought to a point to stay to use for a refuge to say the emperor will not that hath compelled us by you to open this matter unto the said emperor, who we doubt not if he hath so encouraged the Pope upon ignorance to do us wrong, he will himself reform it, and also knowing by you what the Universities of Paris and Orleance and also the Chauncelor of France being a Cardinal and learned in the Pope's law, with other the French king's Councillors our learned men and them also in Italy affirm the same; he will rather believe this public asseveration, and especially of the Council of France being friends indifferent, than any private information made to him to the contrary, or else in case the said [emperor hath] not so far meddled, as the Pope saith nor answered so will declare himself accordingly.

fol. 56 b.

And if the emperor, desirous to have the matter more opened, shall ask what the Pope doth wherein we think ourself wronged; ye may say, in calling and citing us to Rome, there to appear by us or our Proctor, which is contrary to all laws, as all lawyers affirm and especially they in France as friends indifferent, and answering only for the testification of the truth, against whom can be alleged no cause of affection which should move them to swarve from the truth.

And if the emperor shall reply to know what the universities affirm, and what the Chancellor and other the Presidents of the Court of Parliament of Paris do say, ye may answer how they say, that we may not be cited to Rome, there to appear by us or our Proctor, and that such a citation is not only nought and all their process thereupon following, but also manifest injuries and wrong, which ⁶³ trust ye may say the emperor of his honour will not maintain.

And if the emperor shall say that he is not learned and understandeth not these matters, but will do that Justice will, and that further he cannot skill ne will meddle, ye may reply

⁶³ *we* is omitted by accident.

that forasmuch as he is not learned he may be the sooner abused, and whether he hath answered to the Pope as is affirmed or no he knoweth⁶⁴ requireth and learning. Wherefore if he hath so done, perceiving that intending only justice he hath been in this point moved to advance injustice, we doubt not but like a prince of honor he will reform himself, and rather desist from doing or procuring his friend wrong than to proceed any further in the same. And for this purpose we have willed you to declare the premisses unto him on our behalf, whereunto you shall desire him to make his answer to be signified unto us accordingly willing you to note his answer to the particularities, and how he taketh the determination of the French king's Council, and what he saith to you therein, and by all the means you can to ensearch whether there is any meeting intended.

⁶⁴ The word is illegible.

Number CCC.

Holograph letter from Augustine to Cromwell, giving additional intelligence about the Turks; written from Bologna, October 12, 1532.

HUMILI commendatione præmissâ etc.

Vitell.
B. xiii.
fol. 217.

Cum essem in Germaniâ [tot literas] scripsi, ut earum numerus ferme ex animo deciderit. Poste[a vero alias scripsi] ex Tridento, Venetiis et ex hâc urbe. Quæ tunc occurrebant, ex [litteris ad Reverendum] oratorem vestrum apud Cæsarem, et ad Franciscum Freschobaldum istic te sci[re feci] nunc autem dignum scitu a te habeo nihil. Quod non mihi persuade[o] melius ab oratoribus vestris ex Austriâ, Româ ac Venetiis

Quare non minus supervacaneum quam tædiosum mihi videtur tibi nota [iterum scribere]. Solum hoc dixero; ex literis datis Viennæ, 4 præsentis, Turcam post no
. dierum oppiduli illius Kyns in confinibus Austriæ et Stiriae, a Vien[nâ distantis] miliaribus vestratibus circiter 60, ad aliud locum nomine Crac [movisse] castra, eâdem fere distantia per triangulum perinde ac primum, demum per Boss ditionis est, utpote fertiliorem et minus vastatam versus mare cum [exercitu] iter suum convertisse versus Constantinopolim. Cæsarem vero, qui [ingressus] fuerat Viennam 23 superioris, hoc viso, partem copiarum mittere [decrevisse] cum fratre ad suppetias inferrendum arci Strigonii quæ a tribus millibus et Alovysii Gritti obsidebatur, necnon ad recuperandum Budam, et alb [ineunte] autem vere reliquum Ungariæ et ipsum Belgradum. Reditum suum prætere[a in Italiam festi]nabat; ubi, seu Bononiæ, seu alio in loco, antequam in Hispaniam [naviget, cum] Pontifice congressurus est, ut cum eo de generali concilio determine[t, prout in Ra]tisbonensi recessu, principibus et statibus Germaniæ promissit. Quemadm[odum ex exem]plari omnium actorum illius dietæ ad te transmissio certus sum te intell[exisse, necnon] de novo bello instaurando contra Turcas offensivo, seu defensivo, [et de communi] Christianissimorum principum concordia; nam, ut bene cogitat Cæsar, bellum Turcarum Austriæ, et Germaniæ dilatatum est, non sublatum. Siquidem hæc est [eorum bellandi] ratio ut toties

incessant hostem, quoad aut agrorum vastatione, ac [hominum] abductione, aut eum semel imparatum inveniando, tandem eum sup[erare deter]minet; cum illi facile admodum sit, sæpenu-mero exercitum comparare, qu[em]admodum pa]trum nostro- rum memoriâ de Græcis visum est, et nostris etiam temporibus de [Belgrado, Rhodo et] Ungariâ apparuit; ubi multas passus clades, tandem reparato exercitu [oblatâ tandem] occasione, sive per discordiam, sive per negligentiam, rebus facile potitus est. Q[uem]admodum etiam existimant medio Pontificis etiam Regem Chistianissimum aut per seipsum aut oratores [suos fac- tu]rum. Vix tamen ego ad id possum adduci. Principum tamen animi etiam fuit comm

Constans hic jamdiu fama fuit, Andream Auriam de Turcis cepisse Moden[am et Coronem] quæ munitissima sunt oppida in Peloponesso seu Moreâ, olim sub Venetorum [dominio.] Ex litteris tamen datis Venetiis 6 hujus, hujus rei nihil penitus habetur est ob locorum suorum propinquitatem rei veritatem facile intelligendam. Quare [iis quæ a] et Neapoli afferruntur non plane assentior. Ex his præterea hab[etur congressum] illius Serenissimæ Majestatis cum Rege Christianissimo ad 20 superioris pri fol. 217 b.
[qui pro] terrorem Cæsari inferendo solum confectus esse videatur. Sed qui exa rerum eventu judicare solent, non immerito decipiuntur.

[Nuperrime] hinc transivit per hanc urbem Gregorius Casalius unus oratorum illius Potentiss[imi regis] ad Pontificem, qui lentis itineribus istorsum proficiscitur.

. Adhuc sum cum Reverendissimo Campegio, et doleo eum tamdiu morari profectionem suam Romam, nec illuc iter arripiet haud certo scio; hoc mihi certum est, eum intra octo dies [expect]are voluntatem Pontificis, si ad festum omnium Sanctorum Romam debeat contendere, aut po[tius] hic immorari, aut occurrere Cæsari ut moris est ingredienti Italiam, ne cum fuerit postea subito sit illi huc redeundum. Ad hæc, ut mihi videre videor, ne ren causa vestra auribus lupum teneat.

[Hic] relegati sunt ultra 25 cives Anconenses a Romano Pontifice; in totum plus minus centum ab [illâ urbe] ad diversa loca relegati. Causa non est, ut plerique asseverant,

quia scilicet moliti [su]nt se, civitatem et portum Turcis dedere, ac sub ejus imperio vivere, sicuti Ragusium non relegatione, sed extremo supplicio digni essent. Sed quia illa civitas cum tota tiâ seu Piceno jampridem Ecclesiæ Romanæ præstabat obedientiam, ab hinc non pauc[is] [annis] paulatim se subtraxerat, ac titulo tenus duntaxat Pontificis ditionis erat. Unde [Pontifex] sub specie minuendi Portum, et etiam immissis singulatim multis militibus, Duce Al[ovysio] de Gonzagâ nocte quâdam adapertâ portâ civitatis et intromissis reliquis cepi[t istam u]rbem et præfatos seditiosos cives, absque ullo prorsus sanguine capit, ac ibi gubernator[em] imponit, ac illos ad diversa loca relegat.

[Tum]ultus ille Parmæ, quo superiore mense interfecerunt manibus totius cleri illum [comm]issarium, seu exactorem gravaminum, ob suum rigorem, adhuc sedatus non est.

[Jam vero] ut tandem ad me redeam. Te rogo, quam qui maxime, ut apud illam Serenissimam Majestatem compen[sation]is meæ memor sis, ac meus solicator, aut ad minus cum excellentissimo Duce North[folciæ,] Domino meo semper observandissimo, cujus Excellentiæ poteris (si tibi videbitur, præmissis [humilibus] meis commendationibus, has meas communicare; te etiam ex animo rogatum velim [debitas i]llas 20 libras sterlingas termini præterriti velis designare Francisco Freschobaldo protinus us per litteras collybisticas, seu cambii, mihi transmittendas. Nam propter longa itinera [mea] et propter hic in Italiâ omnium rerum penuriam (ita me Deus amet) ultra quam credi [pot]est, summâ necessitate premor.

Verum de hâc re toties tibi scripsi ut dubitem [ne] tibi sim fastidio. Quod etiam non parum me angit, neque a præfato Freschobaldo a [20 die J]ulii in usque diem; neque unquam a famulo, istuc ut scis misso, ob mea negotia ne verbum quidem [h]abeo. Tu aliquando si dignaberis tandem mihi respondere, literis dabis oratori istic Veneto [per] cujus viam ex Venetiis hæ tibi tradentur.

Vale et me adjuva ut soles, non dicam. Amplius ama, quia auxilio potius tuo nunc quam amore egeo.

Data Bononiæ 1532

die 12 Octobris

tui deditissimus

A. A.

Number CCCI.

Holograph letter from Augustine to Cromwell continuing his account of affairs as written in the letter of the 12th of October; written October 14, with a postscript written somewhat later.

MAGNIFICE ac observandissime Domine, humili com-
mendatione præmissâ etc.

Vitell.
B. xiii.
fol. 218.

Toties ad te scripsi, cum essem [in Germaniâ, ut ne] literarum quidem numerum memoriâ teneam; postea, cum Italiam attig[issem, ex Tridento,] Venetiis, demum ex hâc urbe, partim literis meis ad Reverendum ora[torem vestrum apud Cæsarem et,] ad Franciscum Freschobaldum, quæ tuæ occurrebant digna cognitio[nis istic, te] scire feci, quamvis a rerum novarum fonte, id est a Cæsaris aulâ procul ab[essem. Quid nunc] ad te scribam, plane nescio: cum hic pauca, et non admodum mag[ni momenti] dat, nisi quod ex datis ex Viennâ, die 5 præsentis, pridie ejus di[ei ex eo loco Cæsar] discesserat, et recta hoc per forum Julii, quod ditionis est Venetorum, tendebat, in aliquo loco, qui adhuc determinatus non est, cum Rom[ano Pontifice con]gressurus, antequam in Hispaniam adnaviget: quocum verisimile [est ut determinet] de generali Concilio, prout principibus et statibus Germaniæ in Ra[tisbonensi recessu] promissit. Quemadmodum ex exemplari actorum illius dietæ ad vos tr[ansmisso certus] sum te intellexisse, necnon de communi Christianorum principum concordia nam, ut bene Cæsar discurrit anno proximo aut altero existimo [Turcam] iterum arma moturum contra Austriam et Germaniam, nec ante ast donec illas provincias aut desertas pecudibus et hominibus reddat, au[t sibi pa]rere cogat; siquidem hâc ratione bellandi patrum nostrorum me[moriâ, Græcos] subjugavit, et nostris temporibus Belgrado, Rhodo et ferme totâ [Ungariâ potitus] est, hostes suos potius fatigando quam vincendo, licet aliquando ab eis [victus fuerit], nonnunquam etiam terga dederit, nec unquam hoc pacto destitit quoad [vel diuturno] bello attritos, vel discordes et disjunctos invenerit, unde portus obveniat victoria. Aliquid præterea rem vestram concernens,

(sic [mihi videre] videor), ibidem poterit agitari. Verum nihil, certus sum, poterit P[ontifex efficere].

Superioribus diebus hic fuerunt relegati nonnulli cives Anconenses, u ad diversa loca relegatos. Causa non est, ut plerique asseverant, [quia scilicet moliti sunt] civitatem suam et portum dedere Turcis, quoniam graviore supplicio [digni essent,] sed quia duntaxat se paulatim ab obedientiâ sedis Apostolicæ subtraxera[nt, ac] titulo tenus volebant ei esse subjecti; unde Pontifex, clanculum immissis [singulatim mul]tis militibus, Duce Alovysio de Gonzagâ, absque ullâ penitus cæde [urbem istam cepit] et multos civium inobedientes incautos capit, et ad diversa relegat loca, [imposito præsi]dio et gubernatore, sicuti hic Bononiæ.

Tumultus ille Parmæ, quo ecclesiastici interfecerunt Commissarium quē nimis severe impositiones exigebat, adhuc non est sedatus.

Hac transivit Gregorius Casalius illius serenissimæ Majestatis orator Roma in Angliam tendens. Non vidi hominem, quamvis ipse allocutus sit R[everendissimum] Campegium] qui in dies expectat ex urbe voluntatem Pontificis, an scilicet in Italiam ipse profecturus

fol. 218 b. [Sed ut] tandem ad res meas veniam, te rogo, patrone humanissime, quam qui [maxime], veluti etiam innumeris meis antea feci, ut omni diligentia invi[tares] et sollicitares apud illum Potentissimum Regem pro meâ compensatione jamdudum [debitâ] (ut scis) a suâ Serenissimâ Majestate oratori istic Regis Christianissimi; interim præterea [cu]raveris numerare præfato Francisco Freschobaldo illas 20 libras sterlingas termi[no] J]o. Bapt^æ ultimo præterriti; nam, ultra quod quisquam credi⁶⁵ potest, ob longa iti[ner]a, et omnium rerum in Italiâ summam penuriam, maximâ premor necessitate; [qu]am non longioribus explico, ne tibi sim molestiæ, et mihi ne augeam dolorem [ærumn]arum; item me angit, quod a Freschobaldo prædicto a 20 die Julii usque in [hanc] diem, nullas prorsus habeo litteras. Quare omnium rerum mearum istic sum peni [tus i]gnarus; de famulo etiam meo, quem istuc missi pro finiendis (ut tibi scripsi) quibusdam meis negociolis, ne verbum

⁶⁵ A mistake of writing for *credere*.

quidem habeo a discessu suo, [qui] est jam fere tribus mensibus: quare in te uno posita est omnis spes mea, [ista] mea negocia perficiendi, aut saltem, si id non vis aut potes, statū mihi semel rescribendi per viam oratorum vestrorum Romæ, aut apud Cæsarem.

Vale et me ama. Amabis autem si adjuvabis prout etiamnum fecisti. [Me] pro loco et tempore conaberis, obsecro, conservare in bonâ gratiâ [suæ] Serenissimæ Majestatis et eximii Ducis Northfolciæ, Domini mei semper observandissimi, cui [si tibi] videbitur, poteris præmissis meis humilibus commendationibus hasce [meas] ostendere.

Datæ Bononiæ M.D.XXXII. Die 14 Octobris.

[Nunc] audimus congressum illius potentissimij Regis cum Rege Christianissimo dila[tum] esse: quod isti Cæsariani interpretantur non prorogationem, sed annihi[lati]onem; cum (ut aiunt) talis congressus fuerit statutus, propter suspicionem [et] terrorem incutiendum Cæsari, implicito bello Turcaico, quod nunc finitum est. [Ita] animi passionibus semper homines a rectâ ratione et judicio transversos agit.

[Cæs]ar proposuit Pontifici pro futuro conventu utriusque, unum trium locorum, viz. Bononiam, [P]armam et Mantuam. Existimatur Pontificem electurum hanc urbem, hoc est Bononiam; [ex] quo apparet Cæsarem velle conscendere classem suam Genuæ, et forsitan ante [tr]ansactam hyemem, ne tamdiu armatam classem tenendo, multam pecuniam insumat. [Int]er cæteras causas festinationis Cæsaris ex Viennâ in Italiam, pestis fuit in causâ, [in qu]â cum multi obscuri nominis interissent, postremo secretarius Valdesius [amisi]t animam.

Tui deditissimus

A. A.

[Aiunt Joannem] Vayvodam, solutâ obsidione, [sud]ore totius corporis graviter ægrotare.

. de præsidio ex datis 20 superioris a præfecto generali classis Venetæ, [quod] fol. 219. acerrime oppugnabat Modenum: quod ingressi fuerant in Quare præfatus præfectus de eventu rei plurimum dubitat. Ex [litteris datis] Constantinopoli 8 ejusdem, classis

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Z

Turcarum ingressa fuerat polis ut ex-
armaretur. Cetera ex Venetiis et ab Aulâ Cæsaris [per
oratores vestros] citius, melius et longius arbitror vos jamdiu
intellexisse.

Sealed and endorsed—

Ornatissimo Domino, Thomæ [Crum]well, Serenissimi
Regis Angliæ [Consi]liario meritissimo, Domino
meo semper observando.

Londini.

Number CCCII.

The King's promise to translate the Cardinal of Ancona from Lichfield and Coventry to Ely as soon as the latter see should become vacant. Dated November 2, 1532.

HENRICUS Octavus, Dei gratiâ Angliæ et Franciæ
 Rex, fidei defensor et Dominus Hiberniæ, universis
 et singulis ad quorum noticiam præsentibus pervenerint,
 Salutem.

Vitell.
 B. xiii.
 fol. 219.
 al. 220.

Cum nos per literas nostras Reverendissimum in Christo patrem et Dominum, Dominum Benedictum de Accoltis, Sanctæ Romanæ Ecclesiæ presbiterum Cardinalem, ad ecclesiam Cathedralem Coventriensem et Lichfeldiensem Cantuariensis provinciæ nominaverimus; Cupientes eundem, suis exigentibus meritis, majori a nobis officio ornari; Promittimus in verbo regio, quod, cum primum sedem Eliensem dictæ Cantuariensis provinciæ vacare contigerit, præfatâ ecclesiâ Cathedrali Coventriensi et Lichfeldiensi ab eodem Reverendissimo patre dimissâ, et ad nostram dispositionem per cessionem ejusdem redeunte, eidem Reverendissimo Cardinali de hujusmodi sede Eliensi sic vacante provideri curabimus realiter et cum effectû, atque ipsum nominabimus ad eandem.

In quorum testimonium has literas manu nostrâ subscripsimus et privato sigillo nostro sigillari mandavimus.

Dat. Caleti secundo die Novembris M.D.XXXII.

Number CCCIII.

Copy of a letter from Catharine to the Emperor, written the 5th of November, 1532, congratulating him on the victory over the Turks, and expressing a hope of the successful issue of the meeting between him and the Pope.

Simancas
Leg. 806,
fol. 25.

MUY alto y muy poderoso Señor,

Sabe Dyos quanto plazer y descanso e avydo en saber de la victorya que en Ungrya, en otras partes contra el enemygo de nuestra fe Vuestra Magestad a avydo; y tanbyen con la partyda de Vuestra Alteza para Bolloña a verse con Su Sanctidad, a dar horden en lo que se a de azer en lo porvenyr. Yo tengo por cyerto ser esto cosas de Dyos, y no echas ny endereçadas por vyas humanas; y como Nuestro Señor, usando di su myserycordya por mano de Vuestra Alteza, a queria azer tan gran bien a toda la Christyandad; el mysmo le a alunbrado a que se vea con Su Sanctydad, de donde todo este Reyno y yo tenemos esperanza cyerta era con la gracya de Dyos que Su Sanctydad mate al segundo Turco, que es el negocio del Rey mi Señor y myo.

Llamole segundo Turco, porque los males, que por no dar fyn Su Sanctydad a esta causa con tyempo an seguydo y siguen cada dya, son ton grandez y de tan mal exemplo, que ya no se que es peor, este negocy o el Turco; yo e recebydo mucha pena de enportunar a Vuestra Magestad, tantas veces con esta materya, porque soy cyerta le desea el fin que yo le deseo; mas con ver tanto mal que la tardança aquarea, y la vyda mya tan penosa y de tan poco sosyego, y el tyempo para darle fin tan convenyble que parere Dyos, por su bondad, a querido juntar a Su Sanctydad y a Vuestra Magestad, para hazer tan gran byen que soy forçada a ser ynportuna; por amor de la pasyon de nuestro Señor Jesu Christo, suplyco a Vuestra Alteza, pues que por las buenas obras que haze le aze Dyos tan señaladas mercedes y benefycyos cada

dya quiere enplearse en azer este byen tan señalado antes que parta de Su Sanctydad; porque de otra manera me remedyo quedara en Dyos, y entrare en otro nuevo purgatoryo de donde espero salyr quando fuere su voluntad; sy Su Sanctydad si escusa, dyzyendo lo ara en ausenzia de Vuestra Alteza acuerdese de lo que la otra vez le prometyo en esa mysama Ciudad, y lo que a hecho; yo certyfyco, syendo Vuestra Magestad presente u ausente, todo es uno que ya aquy se sabe la verdad y con azer perder la esperança que tyenen los que al Rey mi Señor persuaden haran esta causa perpetua todo se acaba; y creame Vuestra Alteza que no ay persona que tan byen sepa esto como yo; y asy acabo quasy descansa esperando las buenas nuevas desta que tan affectuosamente a Vuestra Magestad e suplicado ruego a nuestro Señor le quiera dar tanta salud, como sus buenas obras merecen, y gracya para traer al enemygo de nuestra fe la verdadero conocymiento y acrescentando su Real estado, como yo deseo.

De Arfort a 5 di Noviembre.

Humyl tya de Vuestra Magestad
y su servydora,

CATHERYNA.

Al muy alto y muy poderoso emperador
y rey my Señor y sobrino ⁶⁶.

⁶⁶ This and the two following documents have been reprinted from the Duke of Manchester's Court and Society from Elizabeth to Anne, vol. i. pp. 175-181, the punctuation only, for the most part, being altered.

Number CCCIV.

*Copy of a letter from Catharine to Francis de los Covos,
Commendador Mayor of Leon, praying for a continuance
of his good offices; written November 6, 1532.*

Simancas
Leg. 806,
fol. 36.

ESPECIAL amigo,

Por el bien y beneficio que Dios a hecho a toda la Christianidad por mano de Su Magestad, en librarle del enemigo de nuestra fe, se vee la obligacion en que a todos nos pone a continuar en hazer buenas obras; y pues saveys que otra mayor no podeys hazer que procurar con Su Magestad, a que haga toda instancia en que Su Santidad de fin y determinacion al negocio del rey mi Señor y mio, el qual tanto mal, como sabeys, a traydo y traera a toda la Chistianidad, todo el tiempo que estuviere suspenso; y porque se quan buen amigo me aveys seido en hazerme buenas obras, torno a rogaros muy affectuosamente agora que Dios a quisido traer esta causa a tan buenos meritos, y coniectura que no me querays olvidar syno continuar por mi amor como hasta agora aveys hecho, y sea cierto teneys en mi una buena amiga para hazer por vos lo que pudiere.

De Vichefarfil 6 de Noviembre.

Por falta de sosyego de coraçon, no tengo poder para de my mano as escrevir todo lo que querrya syno como persona que sy el remedyo de Su Magestad agora me falta quando estuviere con el papa para dar fin a mi negocyio, yo estoy desasyuada; para que solo Dios aga de my con su myserycordia, lo que quysyere.

CHATARINA.

Number CCCV.

Copy of a letter from Catharine to the Emperor, expressing her fears of the influence of the French King with the Pope; written November 11th, 1532.

MUY alto y muy poderoso Señor,

Simancas
Leg. 8c6,
fol. 34.

Despues de escryta la carta que Vuestra Magestad vera, me aviso un amygo myo y muy cyerto de lo que el Rey my Señor y el Rey de Francya en estas vystas an determynado de procurar con Su Sanctidad por los Cardenales que alla ynbyan; y porque soy cyerta que su enbaxador ara saber a Vuestra Alteza lo que vera desto pasa, no deseo darle mas enojo con mis cartas, referyendome a las del dicho enbaxador, y tornando a suplycar lo que por my carta a Vuestra Magestad escrivo se aga, y pues sabe los truenos desta tierra no echan rayas syno para cryr a my por servicio de Dyos, tenga por bien de dar el esfuerzo ques razon a Su Sanctydad que ya todo el mundo conoce aver necesydad dello y azer cosa alguna que ay representara, no empydan el byen que de Su Sanctydad y Vuestra Magestad este Reyno y yo esperamos. Y porque las cartas vayan seguras y con tyempo, envyo esta posta, con el qual espero en Nuestro Señor aver respuesta tan buena que a my vyda dara descanso. Nuestro Señor la vyda y Real estado de Vuestra Magestad guarde y acreciente.

De Arforde Castel a 11 de Noviembre.

humyl tya de Vuestra Magestad

CATHERINA.

Al muy alto y poderoso Señor el Emperador
y Rey my sobrino.

Number CCCVI. .

Copies of the different citations enclosed in Carne's holograph letter of the 7th of December, 1532; dated November 4, 1532.

Copia citationum quæ emandrunr.

Record
Office.

MANDAT Reverendissimus pater Dominus Paulus de Capisucchis, auditor, citari, et citat, in audientiâ publicâ etc., Serenissimum Dominum Henricum, regem Angliæ omnesque suos procuratores, si qui sint, quatenus primâ die compareant legitime ad dicendum contra commissionem, ac videndum reiterari terminos, unico contextu in vim bullæ Innocentianæ, instante illustrissimâ dominâ Catherinâ, reginâ Angliæ, de et super prætextu matrimonii inter eos contracti, rebusque aliis.

Data Romæ in audientiâ publicâ contradictarum die 4 Novembris 1532, Pontificatûs Sanctissimi Domini Nostri, Domini Clementis Papæ Septimi, anno ejus nono.

Alia

Angliæ matrimonii, coram reverendo patre, Domino Paulo de Capisucchis.

Citetur reverendus pater, Dominus Jeronimus, episcopus Wigorniensis et doctor Benett, oratores serenissimi et illustrissimi Domini, Domini Henrici, Regis Angliæ, ad dicendum contra commissiones successive præsentatas, et remissoriam ultimo datam, et illam aperiri mandare, ac jura[menta] successive data et repetita, et videndum reiterari terminos unico contextu in vim bullæ Innocentianæ seu commissionis præsentatæ, et jurare testes super recognitione et totâ causâ, et committi notario juramenta egregiarum personarum et impeditarum ad primam, et priusquam commissum fuerit, videndum illos jurare in domibus eorum vel notarii, horis 20, 21, 22, 23 et 24 ejusdem et sequentis diei; ac postquam testes juraverint, ad dandum interrogatoria per totam illam et sequentes dies,

instante serenissimâ Dominâ, Dominâ Catherinâ, reginâ Angliæ, sive ejus procuratore.

Alia

Anglicani matrimonii.

Coram reverendo patre D. Paulo de Capisucchis, rotæ decano.

Citentur reverendi patres et magnifici Domini, Jeronimus episcopus Wigorniensis et doctor Benett, Serenissimi Domini Henrici regis Angliæ in Romanâ curiâ oratores, ad dicendum contra commissiones successive præsentatas ad primam diem, instante serenissimâ dominâ Catherinâ, Angliæ Reginâ principali, sive ejus procuratore ⁶⁷.

⁶⁷ The letter of Carne's, in which later date were enclosed, is printed these and some other documents of in State Papers, vol. vii. p. 392.

Number CCCVII.

*Carne's petition for a revocation of the Commission; dated
November 7th, 1532.*

Copia petitionis pro revocatione Commissionis.

Record
Office.

DIE septimâ Novembris, Millesimo quingentesimo tricesimo secundo, Dominus doctor Karne, regius Excusator constitutus coram Sanctissimo Domino Nostro, dixit et allegavit, ad ejus noticiam pervenisse, quandam commissionem, licet nulliter, ad instantiam illustrissimæ Reginae præsentatam esse reverendo patri, Domino Paulo de Capisucchis super reiteratione terminorum in causâ principali, ipso Excusatore irrequisito ac non citato.

Et quum materiæ excusatoriæ adhuc in sacro consistorio coram eodem Sanctissimo Domino Nostro, et suo sacrosancto senatu pendeant, et nondum sint discussæ et terminatæ, et ex dictâ commissione magnum gravamen tam serenissimo Regi quam præfato Excusatori inferatur;—

Quare petit ipse Excusator dictam Commissionem revocari, et in principali causâ non procedi, ex causis præmissis; alias protestatur dictus Excusator, de nullitate et gravamine tam dicto Regi quam ipsi Excusatori illatis, et de omni juris remedio omni meliori modo etc.

Exhibita coram Sanctissimo Domino Nostro per dictum Dominum Excusatorem, rogantem me notarium etc., quod de præmissis etc.

Endorsed in Gardiner's hand—

The copy of the petition for the revocation of a
commission proposed to be given at the suit of
the Dowager, November 7.

Number CCCVIII.

*Copy of the Pope's answer to Carne's first appeal of Nov. 14;
dated Nov. 18, 1532.*

*Copia responsionis Pontificis ad primam appellationem ab
eo interpositam.*

SANCTISSIMUS Dominus Noster, respondendo schedulæ ^{Record Office.} appellationis et protestationis nuper coram suâ sanctitate exhibitæ, dicit, quod in procedendo in hâc causâ Anglicanâ aliquem non gravavit nec gravare vult, sed ut justitia ministrari possit, decreto in sacro consistorio et commissionibus in hujusmodi causâ factis, quibuscunque non obstantibus, locum esse intendit.

Data per eundem Sanctissimum Dominum Nostrum, domino Doctori Karne, excusatori Regio, die 18 Novembris 1532.

Endorsed—

Copia responsionis Papæ ad appellationem primam
interpositam.

And in Gardiner's hand—

The answer of the Bishop of Rome to the appeal
against the rejection of the matter excusatory.

Number CCCIX.

*Copy of Carne's second appeal of the 18th of November,
1532.*

Copia secundæ appellationis interpositæ a Pontifice.

Record
Office.

BEATISSIME pater,

Licet omni generi animantium a naturâ sit attributum ut se, vitam, corpusque, præsertim ab injuriis, et gravaminibus vindicet, et tueatur, declinetque ea quæ ei nocitura videantur, ac etiam appellationis remedium, præsertim ad Sedem Apostolicam (ad quam ab omnibus, maxime tamen oppressis, et ubi judicium claudicare censetur, appellari et concurriri quasi ad matrem solebat, ut ejus uberibus nutriantur, auctoritate defendantur, et a suis oppressionibus per eandem quæ oppressos filios oblivisci nequit, releventur) ad præsidium innocentiae sit institutum, æquitasque in judiciis, præsertim Sedis Apostolicæ observari debeat; ac etiam appellationis usus super jure naturali et æquitate sit fundatus, ac eidem, cum ex justâ et legitimâ causâ interponitur, jure et merito sit deferendum;

Vestra tamen Sanctitas quæ oculos a justiciâ et æquitate nunquam deflectere, nec favore, timore, vel odio, seu aliter qualitercunque a viro bono et æquo abduci debeat, ob nimios et immoderatos favores quos illustrissimæ Reginæ et Cæsareæ Majestati ipsorumque agentibus apud Sanctitatem Vestram, Vestra Sanctitas sæpius, et nunc præsertim propter congressum Cæsareæ Majestatis cum Sanctitate Vestrâ et labores ac instantias dictorum agentium importunas adhibet, contempto ac spreto appellationis remedio, quod in justiciâ, in quâ Sanctitas Vestra debitor est omnibus, nulli debet denegari, quandam appellationem per me Edwardum Karne, legum doctorem Illustrissimi Regis Angliæ Excusatorem, ex veris, justis, legitimis et notariis gravaminibus rite et legitime coram Sanctitate Vestrâ, decimo quarto instantis mensis Novembris interpositam, ad malam quorundam relationem rejecit, seu saltem me præfa-

tum Excusatorem ad eandem persequendam, probandam et justificandam, admittere vel me super eâdem audire non curavit, neque curat, sed omnino recusavit, prout et recusat in præsentî, licet nulliter et inique, salvâ semper reverentiâ vestrorum beatissimorum pedum, in dicti illustrissimi Regis et mei præfati Excusatoris gravamen, præjudicium et injuriam, ac defensionis etiam et naturalis æquitatis subversionem et ruinam manifestam;

Quare ego præfatus Excusator, sentiens dictum illustrissimum Regem et me præfatum Excusatorem graviter et enormiter ex præmissis lædi, ac timens etiam, præsertim quum Cæsareæ Majestas cum Sanctitate Vestrâ erit, magis posse gravari, inhærendo omnibus et singulis protestationibus, exceptionibus, appellationibus, provocationibus, defensionibus, ac aliis juris remediis antehac per me qualitercunque factis et interpositis, ad eandem Sanctitatem Vestram post recessum dictæ Cæsareæ Majestatis ex Italiâ, melius et sincerius ac securius informandam, iterum in hiis scriptis provoco et appello, apostolosque peto, primo et secundo et tertio, instantèr, instantius et instantissime mihi tradi, dari et deliberari cum effectu protestans quod, pendente appellatione meâ hujusmodi, nichil attemptetur aut innovetur, præsertim in causâ principali.

Alias protestor de nullitate, ac de notorio justiciæ defectu, ac de omni juris remedio omni meliori modo etc.

Exhibita coram Sanctissimo Domino Nostro per Dominum doctorem Carne, regium Excusatorem, die Lunæ 18^o Novembris 1532. Qui sanctissimus Dominus Noster dixit non gravâsse nec gravare velle, et hujusmodi schedulam mihi suæ Sanctitatis Datarîo et notario, animo illam revidendi, tradidit.

Endorsed in Gardiner's hand—

The second appellation to the bysshop of Rome.

Number CCCX.

Copy of Carne's appeal upon the matter excusatory.

*Copia appellationis a repositione interpositâ a decano
Rotæ.*

Record
Office.

LICET reverende pater, frivolis appellationibus non sit deferendum, prout jura non deferunt, nichilominus Reverenda Paternitas Vestra ad importunam partis adversæ instantiam, eandem partem adversam adversus repositionem meam, nulliter et inique (salvâ vestrâ reverentiâ) reposuit. Et quia ex istâ repositione sentio me gravatum, et timeo magis in futurum gravari,—

Idcirco ego Edwardus Karne, Excusator illu trissimi Regis Angliæ, in hiis scriptis a dictâ repositione adversarii ad Sanctissimum Dominum Nostrum, Dominum Clementem Papam septimum provoco, et appello, apostolosque peto, primo, secundo, et tertio, instanter, instantius et instantissime mihi tradi et deliberari, cum effectum protestans quod, appellatione hujusmodi pendente, nichil innovetur. Alias protestor de nullitate etc.

Endorsed in the same hand—

Copia appellationis a repositione.

And in Gardiner's hand—

The copy of the appeal upon the matter excusatory.

Number CCCXI.

*Copy of the citation issued November 28, 1532, and enclosed
in Carne's letter of December 7, 1532.*

REVERENDUS pater Paulus de Capisuchis citat illustrissi- Record
Office.
mum Dominum Henricum, Regem Angliæ, ejusque procuratores,
si qui sunt, quatenus primâ die juridicâ compareant legitime
coram eo, ad dicendum contra jura hactenus producta, et arti-
culos, ultimo facto datos, et in rotulo remissoriæ includendos,
et videndum illos admitti et remissoria etiam sine retardatione
expeditionis causæ ad partes, in vim bullæ Innocentii decimi,
et concordandum de iudicibus loco et loco loci et tempore et
portitore, et videndum illum jurare seu juramentum committi;
necnon ad dandum interrogatoria in rotulo remissoriæ inclu-
denda, si quæ dari voluerint, et constituendum procuratores ad
interessendum executioni datæ remissoriæ per totam illam et
sequentes dies; alias claudetur remissoria, sine interrogatoriis
et procedetur per affixionem ad valvas, vel prout iudices
remissoriæ ordinauerint, in causâ et causis vertentibus coram
eo inter dictos citatos ex unâ, et serenissimam Dominam Ca-
therinam, Angliæ Reginam, de et super fœdere matrimonii
inter eosdem Dominos Henricum et Katherinam legitime con-
tracti, rebusque aliis in actis causæ et causis hujusmodi latius
deductis, et illorum occasione partibus, ex alterâ; alioquin etc.

Data Romæ in audientiâ contradictarum, sub anno a nati-
tate Domini 1532 Pontificatûs Sanctissimi Domini Clementis
Papæ VII, anno ejus decimo.

Endorsed—

Copia citationis datæ 28 Novembris.

Number CCCXII.

*Copy of an appeal made by Carne against the citation of
November 28, 1532.*

Record
Office.

REVERENDE Pater,

Licet alias, ut prætenditur, quâdam prætensâ Commissione reiteratoriâ terminorum, seu alias ad ulteriora procedendum, manu Sanctissimi Domini Nostri, Papæ, ut dicitur, signatâ, materiis excusatoriis alias per me Edvardum Carne, legum doctorem, Illustrissimi Regis Angliæ Excusatorem, datis de jure relevantibus et admissibilibus, prout re verâ in sacro Consistorio admissæ fuerunt, præjudiciale et eidem Paternitati Vestræ, ut prætenditur, præsentatâ; ac vigore ejusdem ad quoddam prætensum decretum citationis de Illustrissimo Rege prædicto in urbem citato ut dicitur deventum, qui locus etiam propter eximiam potentiam partis Reginæ, ac sibi et suæ causæ adhærentium, fuit et est, tam olim quam in præsentī multo magis tam causæ quam personæ Illustrissimi Regis prædicti notorie non tutus;

Et propterea tam a prædictâ Commissione et aliis inde secutis, ac aliis gravaminibus de quibus in appellationibus desuper factis a Paternitate Vestrâ et a Sanctissimo Domino Nostro ne dum semel, sed etiam bis ad eundem Sanctissimum Dominum Nostrum illiusque sanctam Sedem Apostolicam tanquam male informatam, post recessum Cæsareæ Majestatis ab Italiâ melius sincerius ac securius informandam, fuerit et extiterit legitime per me præfatum Excusatorem appellatum et provocatum, de quibus Paternitas Vestra probabilem ignorantiam prætere non potest; Quibus appellationibus pendentibus coram eâdem Sanctitate suâ non debuisset, nec deberet eadem Reverenda Paternitas Vestra aliququaliter procedere;

Nichilominus, ad importunam instantiam et inordinatos favores partis adversæ et suorum adhærentium, temere attendendo et innovando per Audientiam Contradictarum Sanc-

tissimi Domini Nostri Papæ quandam prætensam citationem, ut dicitur, citando ad eandem urbem coram eâdem Paternitate Vestrâ, locum ut præfertur tam parti citatæ quam causæ suæ notorie non tutum, Illustrissimum Regem præfatum ad dicendum contra prætensa jura producta et prætensos articulos ultimo loco, ut prætenditur, facto datos, ac in prætenso rotulo prætensæ remissoriæ includendos et videndum illos admitti et prætensam remissoriam decerni ad partes et in prætensâ causâ sine retardatione procedi, ac etiam ad concordandum de prætensis judicibus et de prætenso loco ac de prætenso loco loci ac prætenso tempore seu prætensum Juramentum committi, necnon ad dandum prætensa Interrogatoria in prætenso rotulo prætensæ remissoriæ includenda, si quæ dari voluerit et ad constituendum prætensos procuratores ad interessendum prætensæ executioni prætensæ remissoriæ per totam illam et sequentem diem, alias claudetur prætensa remissoria sine interrogatoriis et procedetur per affixionem ad valvas, prout prætensi judicis prætensæ remissoriæ ordinaverint in prætensis causâ et causis vertentibus coram Paternitate Vestrâ; in dictos prætensos citatos ex una, et Serenissimam Dominam Katherinam reginam super prætenso fœdere prætensi matrimonii nulliter et inique citari, ut dicitur, mandavit, et, ut prætenditur citavit, præmissis non obstantibus.

Quarum ego Eduardus Carne, Excusator præfati Illustrissimi Regis, citra tamen aliquem prætensum consensum in assertam jurisdictionem Paternitatis Vestræ, immo semper illi declinando, et inhærendo omnibus et singulis declinativis, protestationibus et appellationibus hactenus habitis, factis, et inexpressis, et ab illis non recedendo, sentiens præfatum Illustrissimum Regem, et me Majestatis suæ Excusatorem et causam enormiter et enormissime, nulliter et inique gravari, timensque magis atque magis in futurum, enormius gravari posse et lædi;—

Idcirco honore et reverentiâ, ac jure dicendi de nullitate semper salvis, in his scriptis ad Sanctissimum Dominum Nostrum, Dominum Clementem Papam VII^m ejusque sanctam Sedem Apostolicam, a prædictis gravaminibus, et a quolibet eorum illatis et inferti⁶⁸ quomodolibet comminatis, ac a toto

⁶⁸ There is some mistake in the copy which the editor is unable to correct.

vestro prætenso processu provoco et appello, petens primo, secundo et tertio, instanter, instantius et instantissime, Apostolos michi tradi, dari et deliberari, cum effectum protestans, quod pendente appellatione meâ hujusmodi, nichil attemptetur aut innovetur, præsertim in causâ principali; alias protestor de nullitate etc., omni meliori modo etc.

Endorsed on another leaf, which is vacant—

Copia appellationis interponendæ Romæ.

Endorsed in Gardiner's hand—

The copy of the appeal, a Commissione reiteratoriâ terminorum, citra tamen consensum in jurisdictionem Pontificis.

Number CCCXIII.

*Extract from Sir Gregory Cassali's letter to Gardiner;
written from Bologna, December 20, 1532.*

*Ex literis Domini Gregorii Casalii die 20 Decembris,
Bononiæ datis ad Dominum Secretarium.*

GURONUS mihi scribit, quod male egi, quum non iverim ^{Record} Romam, sed quum ignorem utrum hoc vestro nomine aut ex ^{Office.} se scripserit, anceps dubiusque sum; nam ejus consilio non mutarem meum propositum, quod est hinc non movendi nisi a vestrâ Dominatione admonitus.

Verum si scirem hoc ad me scripsisse monitu Vestræ Dominationis, statim conscendissem equum. Sed ut ipsa sciat quomodo in hâc re me gessi; acceptis litteris quas ultimo mihi scripsistis, eram in procinctu illuc equitandi, quum frater meus mihi significavit processum quem Romæ agitabant contra Regiam Majestatem; ob quam causam sustiti, dubitans errare si ivissem, ob causas quas jam ad vos scripsi; cum enim in illâ curiâ sim tam notus servitor Regiæ Majestatis, fuisset forsitan magis ad propositum illorum, si ego interfuissem huic processui, sed magis me suspensum tenuit, quod nescio an placeat Regiæ Majestati ut impediam hunc processum Pontificis, vel displiceat, et pro eo impediendo utrum ostendere debeam quicquid dico ex me ipso procedere, vel aliter; ob istosque respectus bonum mihi visum est hic manere et fratrem meum mittere Romam, per quem intelligerem in diem quid in hâc causâ tractaretur; prout Dominatio Vestra jam poterit cognoscere.

Sed quod magis me angit est quod neque per ipsum, neque per ⁶⁹, in hâc re quicquam boni fieri potest, quum nihil luminis a Dominatione Vestrâ nobis præbeatur. Versor enim in anticipi, et ex unâ parte vellem operari, medio amicorum, ut iste processus Pontificis impediretur, ex alterâ vereor ne errem hoc faciendo, ob hancque præcipuam causam istuc misi Guronum,

⁶⁹ *alium* or *alios* appears to be omitted.

ut certior fierem de mente Regiæ Majestatis, per Dominationem Vestram, quo pacto me gerere debebam, eique commisi ut cito ad me rediret cum hâc resolutione, rogo Dominationem Vestram, pro suâ humanitate, casu quo nihil de hoc dixerit Gurons, mandet aliquid super hoc ad me scribi, ne a Regiâ Majestate et a Dominatione Vestrâ imputetur mihi negligentiae aut nimiae curiositati vel temeritati. Interim non omittam, prout hactenus feci, de novis et occurrentiis Italiæ fideliter scribere.

Ex litteris Gurons, decimâ elapsi mensis datis, intellexi de ejus expeditione et de gratiosis litteris quas Dominatio Vestra obtinuit a Regiâ Majestate ad regem Romanorum pro liberatione fratris mei; quas ob res ego cum omnibus meis fratribus maxime illi debeo, erimusque semper amantissimi devinctissimique servitores Dominationis Vestræ.

Ego expecto reditum Gurons pro discessu meo Romam ut coram fiam certior de eo quod ad me scripsit. Cumpri- mum accepi litteras Gurons, expediui unum ex meis familiaribus ad fratrem meum, scripsique ut omnia tentaret et medio amicorum operaretur ut Pontifex ulterius non procederet in causâ Regiæ Majestatis, donec illuc pervenerim, sique ex Gurons intellexero me posse libere agere pro intertenendo hanc causam, ibo Romam, et, quomodocunque potero, causam intertenere curabo, donec de mente Regiæ Majestatis Vestra Dominatio fecerit me certiore etc.

Endorsed in Gardiner's hand—

From Sir Gregory de Cassalis to me.

Number CCCXIV.

Holograph letter from Augustine to Cromwell, giving an account of the interview between the Pope and the Emperor; written from Bologna 24th December, 1532.

HUMILLIMÂ commendatione præmissâ.

Si unquam antea mag[nitudinis] gratiæ et autoritatis Magnificentiæ Vestræ apud illam serenissimam [Majestatem] incrementum audiui; nunc equidem in utrâque hâc a eam quotidie magis ac magis in iisdem procedere, atque pro istic honoris percurrisse intelligo. Illam enim fatentur [omnes tanto] esse ingenio præditam, tantoque rerum usu exercitatam, talique [ingenio] ornatam, ut omnes populi veluti oraculum quoddam [habeant,] proceres prudentiam suam amplexentur, ac illi in prim[is placere] studeant; ille denique potentissimus rex summos suos labo[res et omnes] curas ad illam rejiciat, utpote volens tanto onere lev[ari, aman]tissimi et sanctissimi alicujus viri fidei cupiens, de qu itaque Magnificentiæ Vestræ nemo hic est qui non maximopere den omnium mirabilissimum putant quâ ratione ipsa pariter tam parvo temporis spatio ex infimâ sorte ad culm[en gloriæ] et honorum provecti estis, unico plane hâc nostrâ æt[ate apud] Christianos principes exemplo. Quibus ita soleo respond[ere, nil aliud] hujusce rei causam esse, nisi illius principis ingenium s[agax et pro]pmodum divinum; qui, cum semper bona foverit ingen[ia, necnon] præmiis suos ad aliquid præclari agendum assidue invita[verit, in præ]sentiarum, maxime summoto eo qui solus videri volebat auribus principis magis patefactis, tales sane viri emer[gunt, qui cum] veteribus facile certare possunt, et cuivis præsentium in adm[iratione] jure optimo conferrendi sunt. Quare nil miri si

Vitell.
B. xiii.
fol. 225.

brevi ad[modum] dignitatum cumulo exornati splendent. Illud potius admira[ndum] esset, si jacerent, aut inter medicos haberentur. Quod a absque sui principis notâ, ut qui existimaretur aut rara pendere, aut in benemeritos esse minus liberalis. H autem sic habeat Magnificentia Vestra velim, nil gratius, nil ama[bilius] mihi annunciari posse, exceptâ semper illius serenissimæ [Majestatis salute] quam non dignum Cromwello, æternâ memoriâ digno, nec unquam mehercle adeo sum [tristis] et dejecti animi (sum autem sæpissime ob calamitatem meam) quin cum aliquid [hujus]modi honorificum de eâ audiverim, non protinus mirum in modum delecter, [dili]gam, et me in magnum virum evasisse existimem; siquidem ex nostrâ vetere ami[ci]tiâ, et suâ erga me sæpius multis argumentis declaratâ benevolentîâ, videor [jure] quodam meo, partem aliquam gloriæ suæ mihi vindicare, perinde quasi [am]icorum honores, et bona in amicos transfundantur, sicuti dedecora et mala [pleru]mque transfundi solent. Quod si de Magnificentie Vestræ felicitate nihil mihi sperandum est, [gau]debo tamen et gestiam audiendo, et opinione meâ felix fiam aut, si mavis, insanus.

[Superio]ribus meis toties et tantum ad Magnificentiam Vestram scripsi, ut verear ne illi sim [interdum] fastidio, quandoquidem et mihi ipsi diutinâ earum cogitatione jam factus sum [mo]lestus. Hoc solum dixero, ut interim taceam de constanti promisso illius [invic]tissimi Regis, meæ compensationis ab Domino de la Pomeray Christianissimi Regis oratore [apu]d vos; plus ponderari debent aliqua mea merita qualiacunque, tam [præte]rrita quam futura, quam unum duntaxat demeritum, si tamen demeritum ju[re est] dicendum, aut linguæ meæ naturalis et ex iracundiâ libertas, [quæ] nihilominus etiam in vestrum commodum verti potest. Quare de omnibus his negociis cum Freschobaldo et famulo meo dignabitur facere Magnificentia Vestra, [pro]ut solidæ tuæ prudentiæ ac integritati videbitur, modo id cito faciat. [Ali]oquin appetente vere, mecum ipse statui istuc redire, ut semel probem [num] ego melius res meas possim perficere quam ministri mei; nam ut plurimum res sua[s] melius curat is cujus interest quam quivis alius. Ceterum vehementer cupio, vel solum

super hâc re primo quoque tempore, a Magnificentiâ Vestrâ, mentem suam et consilium cognosce[re].

Quoad nova. De causâ vestrâ et de gravioribus rebus supersedeo scribere, quoniam id in quam partem accipiatis, nondum ex vobis mihi compertum est. Ad hæc certus sum ex tot vestris hic oratoribus vos abunde omnia cognituros. Solum publica, et [necess]aria Magnificentiæ Vestræ in præsens explicabo.

Pontifex igitur 19 die postea quam ab urbe discessit, [huc] venit, hoc est septimâ instantis, quâ die pernoctavit in suburbio quodam hujus [urbis]; postridie ejus diei palatium ingressus est, non sine multo honore, quemad[modum] itus est, solum præeuntibus vix centum Germanis corporis sui custodibus, et e ipse equo Turcaico insidens, stolâ rubrâ ab humeris pendente, et Christo anteambulone fol. 226. et magnatibus urbis comitatus fuit. Cæsar 7 postquam a M[antuâ] discessit] hanc urbem intravit, hoc est die 13 hujus, quæ fuit [dies Veneris] perductus a Cardinalibus Cesarino et Grimano, qui ei ad hinc septem millibus passuum occurrerunt, reliquis Cardinalibus ad ferme per duas horas adventum ejus expectantibus, exceptis d[uobus tantum] Campegio scilicet et Cornaro; qui in ecclesiâ Sancti Petronii [eum expec]tabant. Primum igitur Germani pedites Cæsaris armati, in on forum quod est ante ecclesiam occupârunt, postea Cæsare per ali ecclesiam proficiscente, Pontifex ex palatio per pontem publicum ad [eminentem] cathedram suam cum magnâ pompâ perductus est. Mox Cæsar, præ[eunte] Bussa suo magistro equorum cum ense evaginato, et magnâ e tu suorum, ad pedes Pontificis voluit se genuflectere, ut eos de-[oscularetur,] quod Pontifex non permisit, sed sese inclinans, ambabus man[ibus Cæsaris] aprehensis, genas genibus adjunxit. Quo facto Cæsar aliq[uamdiu in cathe]drâ quâdam inferiore illic jamdudum paratâ, a dextris sedit pedes Pontificis deoscularetur. Inde ad magnum Altar[e quod pro] Pontifice erectum erat, profectus est, ibique tantum commoratus [donec canto]res cecinissent, *Esto nobis domine turris fortitudinis etc* etiam cantâset orationem de more. Quibus peractis prim[um]

Cæsar et] Pontifex ad sua diverterunt in eodem palatio; sicuti ab hinc illud multi notârunt, quod certe in Cæsare rarum est, et quod cum ipse Cæsar pergeret ad Altare, uti superius dixi, inte[r multorum] turbam circumstantium conspicatus Cardinalem Campegium cum quibusdam [aliis in] consessu sedentem, de viâ rectâ deflexit plus quinque passus, a nihil minus tale cogitantem, ac eum perhumaniter amplexatus, de varitudine suâ percontatus est, aliis Cardinalibus præterritis et non absque causâ superius dixi, Cæsarem hanc urbem intrâsse die Veneris ter narrem Magnificentiae Vestræ, cujusdam amici mei in Hispanos facete dis fuit, eramus aliquot in sacello Pontificis hujuscemodi ceremon[ias visuri,] et audiebamus quendam audaculum Hydalgum magnâ verborum ma offendentem, Cæsarem videlicet illum diem pro ingressu suo, et gnarum rerum præ aliis elegisse utpote semper sibi faustum, [quod die Vene]ris natus est, et die Veneris coronam accepit imperii, die etiam Veneris lio cœpit etc., quæ vix perfecerat, cum amicus meus [te]merarie magis, altâ voce sic ei respondit,—Vos Hispani, quia die Vene[ris] progenitores vestri impune regem cœli et terræ crucifixerunt, putatis quodcunque magnum facinus eo die aggressi fueritis, id vobis prospere cessurum, sed non semper ita. [Quo] mordaci responso percussus tacuit Hydalgus, et sic a majore audaciâ mi[nor] retusa est. Hæc forsân, vir humanissime, plusquam deceat familiarius et minus graviter quam magnitudo Magnificentiae Vestræ postulat. Res tamen ita se habuit.

[Brevi] expectantur Reverendissimi Cardinales, Grandmont et Tornon, quos audio celebraturos [N]atale Domini apud Laudem in ditione Mediolanensi, adeo quod intra decem dies hic [eru]nt. Vix credi potest quanta sit eorum expectatio, ob amplissima illa mandata [utr]iusque regis; quibus quale responsum, et quale iudicium futurum sit, necnon [qu]æ illorum causa existimatur, ex se præterea quas rationes habeant ex [ju]re divino, et ex Græcorum monumentis, et veterum conciliorum sanctionibus, [lib]ens pertranseo, ne modum literarum excederem; alias forsân id agam si per ocium [lice]bit. Classis Principis Auriae appulit promontorio Hydrunti, quod est [in] regno Neapolitano in Calabriâ; quæ non parvâ eget

refectione aliqui dicunt Cæsarem ex omnibus illis triremibus velle seligere 12 para es, ut adjunctis aliis 12 ex Hispaniâ primo quoque tempore transfretatio[nem] festinet. Ego quid futurum sit nescio. Hæc duntaxat video, Cæsarem [magn]opere affectare abitum in Hispaniam, ceterum hic eum habere gravissima [ne]gocia, classem egere refectione, et ipsum suapte naturâ esse semper cunctabundum.

[Præ]fatus Auria ex datis 8 hujus, Neapoli, quo itinere terrestri perve[ne]rat, huc inde venturus erat, ad communicandum quædam de prosecutione [b]elli Peloponnesiaci cum Cæsare; ubi loci affirmant eum Coronum et Patrussum [com]meatu hiemali, aggeribus et aliis munitionibus impositis tribus millibus peditum Hispanorum egregie communîsse, ad tolerandam longam obsidionem, donec de prosecutione belli decernatur. Ex literis ex Venetiis intelligitur, illuc venisse oratorem regis Turcarum, gratulatum cum eis de incolumi et felici reditu principis sui ad patriam. Ex datis præsentis ex Constantinopoli missus erat a rege Turcarum Abraham Bassa cum quinquaginta millibus armatorum in Peloponessum seu Moream, ad recuperandum de Cæsarianis prædicta loca.

Asserunt etiam portentum quoddam const^{ti} visum leone quodam super columnâ integri marmoris suâ sponte in nocte unâ manere [ad]versus orientem, cum faciem antea habuisset versus occidentem; quod omnes harioli, [harus]pices, magi et sapientes Turcarum imperio suo ruinam portendere interpretantur. [Sed de his ni]mis multa. Orator novi ducis Saxonie id est Joannis Frideri[ci] est prorogantem adhuc dare investituram seu ex aliis principibus Germanie Christophorus fol. 227. junior dux Vyrthembergensis cum promississet versus Mantuam, asserens se per equos dispositos illos consecut[urum]. Sed ubi gentium sit ignoratur. Aliqui dicunt eum latitare apud Nonnulli apud avunculos suos Duces Bavarie Wilelmum et Lu[dovicum] ferrunt tum Ferdinandi potentiam tum occupationem illius ducatûs ipsi potissima fuerint causa deturbati. Seniores ducem Vyrthe[mbergensem] præfatum ob sororem male ab eo contra jura matrimonii multatam q sit, initium arbitror futurum alicujus tumultûs in Genuam.

Valeat Magnificencia Vestra, cui humillime supplico ut mihi

tandem persua si dignus sim odio aut
 amore sui quod ipse aliquando Deus multos
 labores fecisse legimus.

Datae Bononiæ, M.D.XXX[II. 24] Dece[mbris] ⁷⁰.

Habebit cum his complicatum exemplar rei gestæ in civitate
 Basileensi, meâ sententiâ non aspernandum, traductum ex idio-
 mate Germaniæ, huc ad Cæsarem misso, in Latinum.

E[jusdem] M[agnificentiæ Vestræ]

Servitor [humillimus]

AU[GUSTINUS ab AUGUSTINIS].

Endorsed—

[Magnifico] ac ornatissimo Magistro, Tho[mæ
 C]romwell, Serenissimi Regis [Ang]liæ Con-
 siliario benemerito, Domino meo Colendissimo.

And again in a contemporary hand—

Dr. Augustine's letters.

⁷⁰ See several letters touching in State Papers, vol. vii. p. 394
 on the subjects of this letter, writ- sqq.
 ten from Bologna on the same day,

Number CCCXV.

Holograph letter from Augustine to Cromwell begging for money and detailing intelligence; written at Bologna, December 27, 1532.

[HUMILLIMÂ commendati]one præmissâ.

Vitell.
B. xiii.
fol. 227,
al. 230.

Nudius tertius scripsi ad Magnificentiam Vestram per [cursorem ordi]narium, Lugdunum proficiscentem, sub literis Reverendi Doctoris Benett, oratoris [serenissimi] regis hic apud summum Pontificem, quas mihi persuadeo fideliter destina nem autem, cum intelligam Thadeum rebellionem vestrum rectâ ad vos conten[dere, n]olui eum vacuum meis ad Magnificentiam Vestram venire, non sane propterea quia [aliquid di]gnum habeam Magnificentîâ Vestrâ, sed potius in signum unicæ meæ erga eam fidei, necnon [et meæ] erga illam singularis observantiæ testimonium; ad hæc, ut aliquando Magnificentiæ Vestræ [in mem]oriam revocem mea negociola, nunquam ut video expedienda ob suorum et maximorum ne]gociorum multitudinem in dies sibi emergentium.

Quare Magnificentiam Vestram majorem in modum [oro, a]tque eam per salutem illius potentissimi regis etiam atque etiam obtestor, ut compensationem [illam, c]onstanter regio verbo promissam, utcunque expediat, et ut illas viginti libras sterlingas [mensis j]amdiu præterriti per Freschobaldum, vel per viam alterius ad me non gravetur transmi[tter]e, siquidem solius Magnificentiæ Vestræ munusculo, hoc solum suarum partium est.

Hâc in re saltem [alter a]lterius eget operâ, nisi sua tantummodo nullus incusari potest, nullum impe potest causari, nisi mera voluntas Magnificentiæ Vestræ: quam in me (quæ semper fuit [bonita]s sua) semper propensissimam expertus sum, nec in posterum aliter futuram eam existimo. [Scripsi super]ioribus meis (quemadmodum etiam nunc itidem confirmo) me appetente vere, si res [perfect]æ non fuerint, ad vos per Galliam venturum, ut saltem semel experiar si ego

[operâ expe]rti ministri res meas possim perficere, Æt ne semper meis tibi sim molestus eveniet ut si favor tuus mihi opus erit, diligentiae tamen tuæ satis parcam. [Concedat] deus, vel ut utrumque sit semper, vel saltem alterutrum, vel (quod magis desydero) Magnificentiae Vestrae non ero semper onerosus, nec mihi necessarium erit illi molesta semper scribere.

[Ubi] classis Andreæ Auriae Genuam pervenerit, ipse Auria brevi hic terrestri itinere expectatur; proinde jactat se Cæsar citissime hinc discessurum; quod nullo [modo f]uturum existimo ante, ad minus, finem proximi mensis. Interim nova quædam [quotidie] agitantur, et thesauri ecclesiæ aliorum exemplo evacuabuntur et instantissime sollicita egressus ad ulteriora; qui meo judicio minus facit in rem petentium quam adversantium. [Sed de] his nimis multa; ab aliis melius.

[Nos hic] assidue sumus in sacris, non paucioribus ceremoniis quam olim Judæi in suis synagogis cum recordor. Adhuc esurio, nec unquam tristorem passus sum diem quam cum in missâ natalis [Domini] summo mane usque ad noctem, circiter per horam impastus et impotus permanere coactus sum terat Cæsar, veste imperiali et coronâ indutus, aquam Pontificis manibus dare. Antea ab eodem Eucharistiam sumere, demum ipsum Pontificem per auream fistulam vinum ex teream ne mihi magis sim fastidio, et Magnificentiae Vestrae videar velle Leviticum enarrare cupio videre, quantum quispiam cæcus lucem. Dignabitur me [Magnificentia Vestra commendare duci Northfolciæ et comiti] Wilshyriæ, Dominis meis semper observandissimis.

Number CCCXVI.

The Pope's letter to the King on the subject of the General Council; written January 2, 1533.

CHARISSIME in Christo Fili noster, Salutem et ^{Raynald.}
Apostolicam Benedictionem. ^{xiii. p. 282.}

Superiore biennio, sicut Tua Majestas recordari potest, cum serenissimum Cæsarem, quamquam pro suâ inclytâ pietate omnia conatum, tamen in conventu Augustensi nihil remedii ad hæresim Lutheranam in Germaniâ tollendam præ illorum obstinatione afferre potuisse audiremus, solumque concilii generalis remedium a nostris prædecessoribus in casu simili usitatum, et ab ipsis etiam Lutheranis postulatum superesse videremus; habitâ super hoc cum venerabilibus fratribus nostris Sanctæ Romanæ Ecclesiæ Cardinalibus maturâ deliberatione, ad ipsius concilii generalis indictionem in Italiâ, et loco ad hoc commodiore celebrandi devenire intendentes, id Tuæ Majestati, sicut Cæsari et cæteris principibus significandum communicandumque duximus, eamque nostris literis fuimus hortati, ut tam sancto et necessario operi pro tuâ pietate et fidei defensoris titulo, proque tuorum majorum perpetuâ consuetudine favere, causamque sanctæ fidei cum tuâ, si fieri posset, præsentîâ, aut saltem cum oratoribus tuis, tuique regni prælatis adjuvare et tueri, et in hoc te et illos interim præparare pro communi officio velles.

Postea vero eâ actione nostrâ per apparatus Turcarum primo perturbatâ, et deinde per eorum in Hungariam et Germaniam irruptionem prorsus interruptâ, suspensisque propterea omnium principum et Christianorum animis, toto hoc interjecto tempore de hâc re silere coacti fuimus. Nunc autem ipsis hostibus Dei benignitate repulsis, cum serenissimus Cæsar nobiscum Bononiæ congressus inter cætera publice salutaria hoc quoque de indicendo generali concilio instanter nobiscum

egerit, illudque non solum a Lutheranis ut antea, sed etiam a cæteris Germaniæ principibus et civitatibus in proximo Ratisponensi conventu flagitatum, seque omnem operam suam cum apud nos, tum apud Reges et potentatus cæteros in id pollicitum fuisse dixerit; nos sane non solum Christianâ charitate, sed etiam nostri debito muneris, quod a Deo omnipotente accepimus, astricti, ne tot animas in illâ hæresi periclitari, quantum a nobis præstari poterit, ulterius sinamus, nostras partes nostrumque officium in principibus omnibus ad ipsum concilium adhortandis, tunc susceptum a nobis, et terrore immanissimi hostis interruptum resumere continuandum censuimus, ut sanctæ religioni tantis erroribus illic implicitæ succurramus, et cum veteri pietate tranquillitatem et quietem illi inclytæ nationi tam valido christianitatis membro restituamus. Quamobrem te, fili noster in Christo charissime, tanquam inclytum et pientissimum christianitatis Regem, per Jesum dominum, cujus sancta fides in illis locis labefactatur, hortamur et studiose requirimus, ut nobiscum et cum eodem Cæsare serenissimoque fratre ejus, jam in hoc unanimiter concordibus, ad ejusdem concilii generalis convocationem pie consentire, illudque cum tuâ si fieri poterit præsentîâ, aut saltem cum oratoribus tuis, et tui regni prælatis, sicut antea Tuæ Majestati scripseramus, juvare et tueri, ac te et illos interim ad hoc præparare et de tuâ super hoc voluntate, quam non nisi te dignam fore speramus, ad nos perscribere quamprimum velis, ut cum Cæsaris, ac tuo, Romanorum Regis, cæterorumque principum et potentatuum, ad quos etiam scribimus, et quorum neminem, præsertim Tuâ Majestate accedente, defuturum confidimus, unanimi voto et consensu ad indictionem ipsius concilii in Italiâ, et commodiore loco celebrandi, sicut etiam tunc Tuæ Serenitati scripsimus, adjutore Domino, devenire possimus; quemadmodum hæc plenius et diffusius tuus apud nos ad te scribet, et noster apud te orator Tuæ Serenitati coram explicabit.

Dat. Bononiæ 2 Januarii M.D.XXXIII, pontificatûs nostri anno X.

Number CCCXVII.

Holograph letter from Augustine to Cromwell, written from Bologna, January 5, 1533, complaining of delays.

HUMILLIMA commendatione præmissâ.

Vitell.
B. xiii.
fol. 144.

Scripsi ad Magnificentiam vestram post [meum reditum in hanc] urbem plurimas meas, viz. 12 et 17⁷¹ Octobris necnon [24 et 27] superioris mensis: quibus sane potius res meas Magnificentiæ Vestræ quam [Regis] commendare conatus sum; quam ut (quod antea semper usurp[avi]) rerum occurrentium illi bonâ fide significarem; nunc etiam itid[em] Magnificentiam vestram suppliciter, ac toto pectore rogo atque etiam rogo, et, per[viscera mise]ricordiæ Domini nostri Jesu Christi, eam obtestor ut pro suâ virili, tuit[ionem velit] utcunque expedire; tantum enim (ut libere loquar) pertæsus [sum istam] odiosam prorogationem, ut malim omnia amittere quam continu[â solitudine] pendere animi, et frustra expectando vanâ spe contabescere. [Discedere] nolui: quia de statu rerum mearum, jam se vertente sexto mense, sum penitus ignarus; [nec mihi] quicquam profuit innumeris meis Freschobaldum, sollicitasse aut famulis [suis scrip]sisse aut domini de la Pomeray, oratoris Christianissimi apud illam Serenissimam Majestatem, pa[trem] qui plane scribit domino de Vøyle hic, per ejusdem secretarium se rem om[nem confectu]rum: qui tamen adhuc non venit. Sed cotidie jam hosce duos menses expect[atur]. Fortunis] meis totus orbis clausus esse videtur; vincam tamen et hanc fortunæ [difficultatem] patientiâ; quæ omnium malo-

⁷¹ See Numbers CCC and CCCI. The latter letter was written on the 14th of October; the date 17th of October probably refers to the day when the Postscript was written and the letter sent off. The dates

of December 24 and 27 have been supplied to meet the extremely probable supposition that the two letters alluded to are those of Numbers CCCXIV and CCCXV.

rum singulare est remedium : Quid agam? quid tentabo? quo me vertam? profecto nescio nisi ut ego mei [curam habeam].

Veniam igitur per Galliam ad vos ineunte vere, ut et hanc unicam et ubi nodus sit intelligam, ne semper expectando perpetuo miser [sim. Ut] non amplius ad vos nova scribam, quatuor me monent. Primum, discrim[en imminens] ne tandem hoc meum genus scribendi resciaur; secundum, labor inutili[s, quia nova mea] missa tantum jam temporis mihi non prospiciatis; et summa mea egestas [quæ tanta est ut ad] mea negociola prosequenda me retrahat; tertium, dubia spes gra[tia ineundæ] si quidem non parum dubito, in quam partem mea nova accipiat; quin [etiam vereor ne] apud vos plus suspicionis mihi attulerint quam fidem meam erga vos magis [comprobaverint] quod inter cetera hoc videtur argumentum probare, quod nunquam, ne verbis quid[em, ullæ] redditæ sunt gratiæ tantorum laborum, et in dies videam res meas apud vos i[n pejus ruere]. Postremum, quod mihi supervacaneum videatur, velle ea vobis fastidiendo [commemorare de re quæ] a tot oratoribus vestris hic, clarissimis et dignissimis viris, non minore diligentia [ac fide] significatur, potissimum istuc veniente Reverendo Doctore Bonero: qui solus [responsum] omnium scriptis cumulatissime potest supplere.

Felicissime valeat [Magnificentia vestra, et] si honores amplissimi non mutârunt mores (quod nemo bonus existimabit, nec mihi aliter exploratum est: qui generosi sui animi sen[su videor mihi] perspexisse), aliquando super his dignetur aliquo pacto ite[rum scribere; inte]rim etiam dignabitur me conser[vare, cujus tutelæ] me commend[at]um volo].

Magnificentia Vestra

servitor humillimus

A. A.

Number CCCXVIII.

Original letter from Stokesley to some lord, written January 8, 1533, recommending a conference on the subject of the marriage.

MINE own very singular good lord,

In my most h[earty] manner I commend me unto your ^{Otho, C. x. fol. 161.} good lordship; and being [of late] advertised by my lord of Canterburye that it hath [been] devised and agreed between you, as for the most rea[sonable] convenient way to remove and appease such obloqui[es as] now of long time hath been occasioned, by reason [of the] contrariety and altercation in opinions amongst the d[ivines] of this realm concerning the law of God in the [king's] great matter, that your lordship taking unto [yourself] five doctors such as ye shall think most m[ete for] that purpose, and I other five, should at some tim[e and] place convenient assemble together, to the end [that,] charitably conferring such authorities and rea[sons as] either of us can allege for the justification [of our] opinions, we might finally agree in that [resolution] which, after our said disputation, should be [found] in our conscience before God to be most agreeab[le and] consonant to the very truth, and to the l[aw both] of God and man. And that in case also we [should] so do, there should be chosen two other lor[ds also] of most upright and sincere judgment and [learning] in divinity, whose determinations in that [behalf we] should obey and follow; for so much as y[our intent] and purpose is in my poor judgment very [right, and] proceeding of singular good mind and zeal *specimen hactenus semper præbuiſti* to the knowledge and increase of charity and thereto also *ut nunc sunt hominum mores et tempora* for the [avoiding] such inconvenients as might else peradve[n- ture come of] this our said controversy, in so weighty [a mat- ter,] not only to us but also to the whol[e realm of] Englonde (which God forbid). I heartil[y therefore] pray you to send

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me word by your [servant, your] pleasure and determination as well con[cerning the time] and place where we should meet [for this our] purpose, as also what persons you [shall] choose and appoint to be the said judges of our controversy ; assuring your lordship that for my part you shall find me so conformable therein, as by reason and congruencie ye may desire ; specially considering that whatsoever we shall do herein, it shall rather tend to the examination and trial of the justices of both our opinions, without prejudice of any other man's sentence, than that thereby shall ensue any determination in the king's cause as your good lordship by your wisdom can consider.

By reason whereof I am the bolder without the king's highness' knowledge thus to write unto your good lordship ; and, in my opinion, ye ought the less to doubt to prosecute and accomplish your said good intent in the same, whereof as before I heartily desire and pray you to ascertain me in all convenient speed, to the intent I may order myself thereunto accordingly.

And thus our lord preserve and maintain your good and prosperous life with increase of honor to his pleasure and yours.

At London this 8th of January with the rude hand of

Your bound beedsman,

JOANNES LONDINIENSIS.

Number CCCXIX.

Copies of the three Breves of Clement VII., extracted from the edition published at Rome at the commencement of the year 1533.

EXEMPLARIA

SIVE COPLÆ TRIUM BRE-
VIUM APOSTOLICORUM,
cum certis eorum executionibus
et signaturis notarii in eis-
dem nominati, In favo-
rem Illustrissimæ

Dominæ Katharinæ Angliæ Reginæ, contra Illustrissi-
mum Dominum Henricum Angliæ Regem, super ma-
trimonio inter eos contracto, Quorum unum
est de interdicto generali per totum re-
gnum Angliæ, Secundum est con-
firmatorium primi, cum illegi-
timatione prolis forsan susce-
ptæ vel suscipiendæ, Et
tertium excommu-
nicationis
in ipsum Regem
et Annam de Boland,
nisi respective paruerint, et
idem Rex eandem Annam a pu-
blica cohabitatione sua
infra unum mensem
rejecerit.

PRIMUM BREVE

CLEMENS PAPA VII.

Universis et singulis ad quos præsentēs litteræ pervenerint, Salutem et Apostolicam benedictionem. Exponi nobis nuper fecit charissima in Christo filia nostra Catharina Angliæ Regina illustrissima, quod alias, postquam validitatis seu invaliditatis matrimonii ex dispensatione Apostolicâ, inter Reginam ipsam, et charissimum in Christo filium nostrum, Henricum Angliæ Regem illustrissimum et fidei defensorem multis jam decursis annis prole susceptâ contracti, et pacifice continuati, ipsiusque dispensationis, ac inter eos divortii causis, ex nostro pastoralis officio, dilectis filiis Thomæ sanctæ Cecilie, et Laurentio sanctæ Mariæ in trans Tiberim Presbiteris Cardinalibus, in Regno Angliæ, nostris, et Apostolicæ sedis Legatis de Latere, omni recusatione, et appellatione remotis, per eos in eodem Regno cognoscendis, et decidendis per nos commissis, dictisque Rege, et Reginâ ex eorundem Cardinalium officio, et mandato, certis die et loco in jus vocatis, eadem Regina coram eisdem Cardinalibus et legatis comparens, ipsos ex loco, et personis, ac alias suspectos recusaverat, et ab eorum citacione, et comminato processu, ad nos et sedem Apostolicam pluries appellaverat; cum ipsi Cardinales et Legati, omnibus his rejectis, se iudices competentes et ad ulteriora in causis ipsis per eos procedi posse, et debere declarâssent, ipsa Regina ab huiusmodi declaratione appellans, illicitiata recesserat, ipsique Cardinales et Legati contra eam ut contumacem a iurium et testium receptione procuratore ipsius Regis præsentē ac alias processerant.

Nos ut dictæ causæ sine suspicione procederent, illas et prædictarum appellationum, ad ipsius Reginæ supplicationem, dilecto filio Magistro Paulo Capisucio Capellano nostro et causarum Palatii Apostolici auditori, per eum audiendas, et nobis referendas, etiam cum potestate Regem ipsum, et alios citandi, ac eis et dictis Cardinalibus, inhibendi etiam sub censuris et

pœnis, etiam pecuniariis, etiam per edictum publicum, constituto summarie et extrajudicialiter de nostro tuto accessu, et alias commisimus; ipseque Paulus auditor, constituto sibi de non tuto accessu, citationem ipsam cum inhibitione sub censuris ac decem millium ducatorum auri pœnis, per edictum publicum, in certis locis almæ Urbis nostræ, et in partibus, in Collegiata beata Mariæ Brugensis, Tornacensis, et parochialis de Dumbrech, oppidorum Morinensis diœcesium Ecclesiarum valvis affigendum decrevit, et in eis præmissa legitime executæ fuerint, ac dicto Regi et aliis omnibus, ne in præjudicium litis ac jurium dictæ Reginæ interim aliquid innovarent, mandatum fuit, revocatis postea, quoad ipsum Regem, pœnis et censuris, in citatione, et inhibitione apposis. Cum autem pro parte ejusdem Reginæ nobis denuo expositum fuerit, ad ejus aures pervenisse, Regem ipsum, lite hujusmodi ac inhibitione et mandato sibi factis non obstantibus, se jactare ad secundas nuptias de facto devenire velle, in non modicum ipsius Reginæ præjudicium, ac in ipsius Regis animæ perniciem; quare pro parte ipsius Reginæ nobis fuit humiliter supplicatum, ut ejus honori ac ipsius Regis animæ saluti consulere, aliasque in præmissis opportune providere, de benignitate Apostolicâ dignaremur.

Nos itaque attendentes justis et honestis petitionibus, nostrum assensum denegari non posse, hujusmodi supplicationibus inclinati auctoritate Apostolicâ per hoc nostrum edictum publicum, in audientiâ nostrâ contradictarum publicandum, ac earundem Ecclesiarum valvis adfigendum, cum alias præfato Paulo auditori constiterit, ad illud eidem Regi intimandum, non patere accessum, prout etiam de præsentis non pateat, eidem Regi ac quibusvis utriusque sexûs, etiam ejus domesticis, ac etiam Consiliariis, Secretariis, et aliis cujuscunque statûs, gradûs, dignitatis, et excellentiæ personis, districtè interdiciamus, prohibemus, et districtius inhibemus, omnem omnino licentiam, potestatem et facultatem ab eis auferentes; ne sub majoris excommunicationis, et suspensionis, ac etiam omnium Cathedralium, et Metropolitanarum Ecclesiarum, et locorum secularium, et quorumvis ordinum regularium dicti Regni interdicti inviolabiliter observandi, et quorumvis Ecclesiasticarum dignitatum, feudorum, beneficiorum, et honorum secularium, et Ecclesiasticorum, ac inhabilitatis ad ea, et quæcumque alia in posterum obtinenda, latæ sententiæ, pœnis, eo ipso

si contra fecerint, vel eorum aliquis contra fecerit incurrendis, ipse Rex antequam per debitam et finalem litis et causæ hujusmodi expeditionem clare liqueat id sibi licere de jure, cum aliquâ muliere cujuscumque dignitatis et excellentiæ, etiam vigore cujusvis desuper forsân sibi aut tali mulieri, aut alias quomodolibet etiam per nos aut sedem prædictam concessæ, vel concedendæ contrahendi licentiæ, aut contracti approbatione, nec aliqua mulier cum eodem Rege matrimonium vel sponsalia contrahere, nec forsân contracta, et consummata, etiam prole susceptâ continuare, nec Secretarii, Consilarii, Prælati aut quicumque alii interesse ne de eis se intromittere quoquo modo præsumant, nec eorum aliquis præsumat, inhibendo etiam prædictis Cardinalibus et Legatis, ac aliis quibuscumque ne de causis prædictis aut dicto matrimonio comminato, etiam nomine Legatorum, aut privatim, aut alio quocumque modo se intromittant. Sed cum etiam lite pendente, nullus debeat possessione conjugii, aut debiti conjugalis spoliari, idem Rex ut principem, et Christianum Catholicum decet, dictam Reginam complectendo illam sub dictis pœnis affectione maritali tractet in omnibus et per omnia prout idem Regi convenit, et finem litis suâ solitâ prudentiâ patienter expectet; cum juri conveniat litem prosecui et maritales affectus præstare, nec ante finem litis Rex ipse alicujus suasionem aut consilio, conscientiam læsam habere, allegare, aut affirmare valeat; cum de his judicare ad eum non pertineat, præsertim cum Reginam ipsam, pro verâ conjuge habuerit, et tractaverit, et in pacificâ possessione hujusmodi matrimonii, cum prolis susceptione fuerit, et propterea si Rex præfatus, vel alii, inhibitioni ac prohibitioni et interdicto hujusmodi contravenerint, Regem ipsum ac alios omnes supradictos sententias, censuras, et pœnas prædictas, ex nunc prout ex tunc incurrisse declaramus, et ut tales publicari ac publice nunciari et evitari, ac interdictum per totum Regnum Angliæ, sub dictis pœnis observari debere, volumus, atque mandamus. Quocirca vobis, et singulis vestrum etiam in dignitate constitutis, sub excommunicationis latæ sententiæ pœnâ, districtè præcipiendo mandamus, quatenus postquam præsentibus ad vos pervenerint, seu vobis præsentatæ fuerint, et commode poteritis, easdem præsentibus litteras in dictâ audientiâ contradictarum publicari, et valvis earundem Ecclesiarum affigi, ac paulisper inde amoveri,

et earum copiam collationatam eisdem valvis affixam dimittere, et demum super publicatione, et affixione præsentium litterarum et illarum copię affixę dimissione, publica et authentica instrumenta, manu publici Notarii, coram testibus fieri faciatis, et de his omnibus ac aliis quę in præmissis per vos gesta fuerint, nos seu Paulum ipsum auditorem certiores reddere curabitis.

Nos enim præsentium litterarum publicationem, affixionem, et copię dimissionem per vos faciendas, postquam factę fuerint, eosdem Regem et alios⁷² [supradictos perinde arc-tare, ac si præsentis, atque omnia in eis contenta eis personaliter intimata, ac illarum copię eis actu traditę et dimissę fuissent, et nihilominus quicquid per regem, et alios] prædictos et eorum quemlibet, contra primum interdictum et alia præmissa factum vel attentatum fuerit, nullum penitus et invalidum, nulliusque roboris, vel momenti esse, ac interdictum nostrum hujusmodi, et alia præmissa præsentisque nostras litteras, et quę ex eis forsitan sequerentur, etiam cum totali earum insertionem nullatenus revocari, suspendi, derogari, limitari, restringi, modificari, aut declarari posse, etiam per nos aut dictam sedem etiam motu et ex certâ scientiâ ac de Apostolicę potestatis plenitudine fiet, nullius momenti existere, nisi ad ipsius præfatę Reginę specialis et expressus accedat assensus, decernimus.

Non obstantibus præmissis ac bonę memorię Ottonis et Ottoboni, olim in dicto regno Anglię apostolicę sedis legatorum, ac in provincialibus et Sinodalibus conciliis editis constitutionibus et ordinationibus ac statutis et consuetudinibus dicti regni, quocumque nomine nuncupatis; etiam juramento, confirmatione apostolicâ vel quâvis firmitate aliâ roboratis, privilegiis quoque et indultis, ac literis apostolicis Regi et aliis supradictis quomodolibet concessis, confirmatis et innovatis. Quibus etiam si ad illorum derogationem, de illis eorumque totis tenoribus, specialis, specifica, expressa, individua, ac de verbo ad verbum, non autem per generales clausulas id importantes mentio seu quęvis alia expressio

⁷² This passage was omitted by Le Grand, the mistake having arisen from the repetition of the words *Regem et alios*. The copy in Audin appears to have been made from Le Grand, and has perpetuated the mistake.

habenda, aut aliqua exquisita forma servanda esset, illorum omnium tenores, præsentibus pro expressis et insertis habentes, illis alias in suo robore permansuris, quoad effectum omnium præmissorum, latissime derogamus, ac derogatum esse decernimus, contrariis quibuscunque, aut si Regi et aliis supradictis vel quibusvis aliis communiter vel divisim ab eâdem sit sede indultum, quod interdicti, suspendi, vel excommunicari non possint per literas apostolicas non facientes plenam et expressam, ac de verbo ad verbum de indulto hujusmodi mentionem.

Volumus autem quod præsentium transsumptis, manu alicujus publici notarii subscriptis, et sigillo alicujus prælati, seu personæ in dignitate ecclesiasticâ constitutæ aut Canonici ecclesiæ cathedralis sigillatis, eadem prorsus fides adhibeatur quæ præsentibus adhiberetur, si essent exhibitæ vel ostensæ.

Datum Bononiæ sub Annulo Piscatoris, die 7 Martii M.D.XXX. Pontificatûs nostri anno septimo.

Sic subscriptum.

EVANGELISTA.

Item sic scriptum est in dorso ejusdem brevis.

Anno a Nativitate Domini Milesimo quingentesimo trigesimo, Indictione tertiâ, Pontificatûs sanctissimi in Christo patris et domini nostri, Domini Clementis, divinâ providentiâ Papæ septimi, anno ejus septimo, die vero decimâ mensis Martii, retroscriptum breve apostolicum sub annulo piscatoris, affixum et publicatum fuit in valvis sancti Petri et Sancti Petronii, necnon cancellariæ apostolicæ, ubi ad præsens contradictæ leguntur, in civitate Bononiæ per me Ioannem Roberti Curs.

Then follows the

RELATIO EXECUTORIS.

After which comes

SECUNDUM BREVE

Lecta in audientia A. de Alexiis locumtenen.

CLEMENS PAPA VII,

which is the same as has been printed in No. CCXXXVI, with the addition of the Non obstantibus, &c., in full; after which it proceeds as follows :—

Item sic scriptum in dorso.

In Nomine Domini, Amen.

Anno a nativitate domini M.D.XXXI., Indictione quartâ, die vero decimâ mensis Januarii, Pontificatûs sanctissimi in Christo patris et Domini Nostri, Domini Clementis divinâ providentiâ Papæ septimi anno octavo. In mei publici et audientiæ literarum contradictarum Notarii, testiumque infrascriptorum, ad hæc specialiter vocatorum et rogatorum præsentia, dictæ audientiæ sanctissimi Domini Nostri, Papæ, Lector deputatus, literas retro scriptas mane horâ audientiæ præfatæ consuetâ publice, altâ et intelligibili voce legitime de verbo ad verbum perlegit, publicavit, et insinuavit ac ad omnium et singulorum quorum interest, intererit, aut interesse poterit quorumlibet in futurum notitiam deduxit, rogans me notarium infrascriptum quatenus de præmissis unum vel plura publicum seu publica conficerem et traderem instrumentum et instrumenta, præsentibus ibidem discretis viris dominis Bartholomeo Crespo Clerico Burgensis diœcesis et Hieronymo de Fraticellis Clerico Spoletano, testibus ad præmissa vocatis habitis et rogatis. Item adhuc sic CONSEQUENTER eâdem die Ego Notarius infrascriptus retro scriptas literas hujusmodi pro illarum ulteriori executione in valvis dictæ Audientiæ affixi et affixas per longum temporis spacium respective stare permisi, et deinde illis amotis ad me recepi et alia feci, et executus fui, juxta earundem retro scriptarum literarum vim, formam et tenorem, præsentibus eisdem testibus etc.

Sic subscriptum,

Et quia Ego, Alexander Fuscherius de Urbino audientiæ literarum contradictarum sanctissimi domini nostri et ejus Vice-Cancellarii notarius, præmissis omnibus et singulis interfui, et ea omnia et singula executus fui, ideo hoc præsens publicum instrumentum manu alterius mihi fidelis aliis occupatus. negociis confeci, meoque solito signo signavi rogatus et requisitus.

Then follows the

RELATIO EXECUTORIS.

After which comes

RECORDS OF
TERTIUM BREVE*Lecta in audientia A. de Alexiis locumtenen.*

CLEMENS PAPA VII.

Charissime in Christo fili noster, Salutem et Apostolicam benedictionem.

Magno sumus in dolore, quod serenitatem tuam quam semper antea pientissimum filium nostrum, et hujus sanctæ Sedis perspeximus, et omni tempore de nobis bene meritum fuisse recordamur, ab hoc tantum biennio proximo citra, immutatam esse sine rationabili causâ videmus. Cum tamen nos (id quod verissime dicere possumus) nihil erga eam neque in affectu, neque in respectu amantissimi Patris immutati fuerimus; multo autem majore angimur molestiâ, quod Pastoralis officio adducti, et justitiæ ratione astricti quicquam agere et decernere cogimur, quod serenitati tuæ displiceat, cui sane semper placere et satisfacere desideramus. Verum quid agemus? Negligemusne justitiam et animæ tuæ salutem? An potius privatos affectus tuos nostrosque publicis rationibus et divinæ voluntati antefereamus? Sic decet, fili, sic potius fiat a nobis, nec tam quid in præsens te juvet, quam quid tuo honori, officio, justitiæque conveniat perpendamus. Veniet enim tempus, veniet, nec longum erit, sicut in Domino confidimus, cum tua serenitas, hoc nubilo erroris quo nunc obducitur depulso, restitutâque sibi luce veritatis, veterem nobis benevolentiam suam, quam maximi facimus, restituet, fateberisque, id quod est, nos ex publicâ personâ nostrâ nihil aliud facere, quam quod fecimus, potuisse; imo etiam indulgentiores aliquando fuisse, quam justitiæ severitas expostulat. Potes enim, fili in Christo charissime, meminisse, cum tu abhinc quadriennio a nobis studiose contendisses, ut legatum nostrum in Regnum tuum mitteremus, eique et alteri legato tunc in tuo eodem Regno esistenti, causam validitatis Matrimonii inter te et charissimam in Christo filiam nostram Catharinam Angliæ Reginam, olim contracti, ac per viginti annos et ultra continuati, committeremus, nos, etsi id subiniquum videbatur causam ad preces tuas in tuo regno committere, tamen tuæ voluntati morem gessimus, ac tam diu eandem causam ibi manere permisimus, donec pro parte Reginae appellato, juramentoque horrescentiæ præstito, causam eandem, non in Regnis au

dominiis nepotum Reginæ, aut aliis in quibus Regina potior favoribus esset, verum Romæ in communi orbis christiani patriâ, atque in nostro Rotæ auditorio commisimus, nobis postea et sacro Collegio venerabilium Fratrum nostrorum, Sanctæ Romanæ Ecclesiæ Cardinalium referendam, ac a nobis et dictis Cardinalibus decidendam; quo pendente iudicio, cum tu nihil innovare vel attentare in præiudicium litispendentiæ debuisses, ecce nobis non solum ipsius Reginæ lamentabili querelâ, verum etiam multorum litteris et testimoniis affertur, te non expectatâ ulteriore nostrâ declaratione, ipsam Reginam a tuâ cohabitatione separâsse, et quamdam Annam in tuum contubernium et cohabitationem publicam recepisse. Quæ res cum divinam justitiam, litispendentiam, et auctoritatem nostram, tuæque animæ salutem et honorem læderet, nos paterno affectu et charitate litteras ad te dedimus tenoris subsequenti.

‘ CLEMENS Papa VII. Charissime in Christo fili noster, salutem et apostolicam benedictionem. Quod pro nostrâ in te benevolentia, tuoque honore et salute, falsum esse cupimus, relatum nobis est, et a multis confirmatum serenitatem tuam, quæ non solum antea, verum etiam post motam litem inter te et charissimam in Christo filiam nostram Catharinam Angliæ Reginam Illustrissimam super validitate Matrimonii inter vos contracti, eam apud se ut decebat in suâ regiâ curiâ tenuerat, atque ut Reginam et uxorem habuerat et tractaverat, a certo citra tempore, eam non solum a se et suâ curiâ, sed etiam a civitate seu loco suæ residentiæ separâsse, alioque misisse; loco autem ejus quamdam Annam in suum contubernium et cohabitationem publice recepisse, eique maritalem affectum uxori tuæ debitum exhibere. Quæ res, fili charissime, si modo vera est, tuque parumper animum ab humanis affectibus collegeris, non dubitamus, quin etiam tacentibus nobis perspecturus sis, quam multis modis indigna te fuerit, vel ob contemptum litispendentiæ, et iudicii nostri, vel ob scandalum Ecclesiæ, vel ob communis pacis perturbationem, quæ omnia ita a recto et religioso principe, qualem te semper habuimus, aliena sunt, ut tanquam tuæ naturæ et consuetudini repugnantia, etsi nobis in dies magis confirmantur, difficilius tamen credamus. Quid enim minus tibi et tuæ probitati convenit, quam hinc apud nos, per oratores et litteras super causâ istuc remittendâ instare,

inde te ipsum tuo facto causam decidere? Quid simile tui, armis et scriptis olim Ecclesiam et sanctam fidem defendisse, nunc tali facto Ecclesiam videri contemnere? Jam vero communis salus et tranquillitas a nullo unquam nostri temporis Rege acrius, quam a te, custodita est, qui bellum pro Ecclesiâ olim susceptum, et gloriose confectum pro communi quiete deposueris, semperque arbiter quidam pacis et communis concordiae inter Christianos principes conciliandae fueris existimatus, quo magis hæc nova de te audientes admiramur simul ac dolemus, unum hoc tuum factum, si modo verum est, ab omni vitæ tuæ gloriâ et consuetudine discrepare. Quamobrem cum nec rem tantam non explorare certius, nec neglectam omittere debeamus, hanc ad te quasi amantis et solliciti patris vocem præcurrere volumus, antequam iudicis ullas partes tecum sumamus; faciunt enim tuæ celsitudinis dignitas, vetera tua in nos merita, nostraque ex his erga te benevolentia, ut tecum omni respectu et lenitate agere velimus, sumptâ parentis personâ, et iudicis tantisper depositâ, donec ex tuis litteris consilium progrediendi capiamus. Cupimus quidem, fili, ut diximus, hæc penitus falsa esse, aut non tam aspera, quam nobis referuntur; teque ipsum deinceps pro tuâ singulari sapientiâ providere, ne cuiquam de serenitate tuâ omni virtute conspicuâ, in hoc tantum obloquendi detur occasio. Si quis enim vel ex catholicis dolens, vel ex hæreticis gaudens, audiat te Reginam, Regumque filiam, Cæsarisque, et Regis Romanorum materteram, quam in uxorem accepisti, viginti amplius annis tecum commorata, prolemque ex te susceptam habentem, nunc a tuo toro et contubernio procul amovisse, aliam quoque publice apud te habere, non modo sine ullâ licentiâ nostrâ, verum etiam contra nostram prohibitionem; is profecto necesse est, ut sententiam quodammodo de optimo principe ferat, tanquam Ecclesiam, et publicam tranquillitatem parvi faciente, quod nos scimus ab intentione et voluntate tuâ longissime abesse; in tantum, ut si quis alius, hoc idem in tuo Regno audeat, quod a tuâ serenitate factum dicitur, nullo modo te probaturum, sed etiam severe vindicaturum, pro certo habeamus. Quamobrem, fili, etiam si tu rectissime sentias, ut nos quidem constantes credimus, tamen causam præbere rumoribus et scandalis non debes, hoc præsertim tempore tam calumnioso, plenoque hæresum et aliarum perturbationum, ne tuum factum latius pateat

ad exemplum. Sunt enim facta regum, præsertim illustrium, sicut tua serenitas est, proposita, quasi in speculâ hominibus cæteris ad imitandum. Nec præterea negligenda tibi est communis salus, et totius Christianitatis tranquillitas, quod semper fuit optimorum Regum; nec fili, debes serenissimos Cæsarem et Romanorum Regem, dictæ Catharinæ Reginæ nepotes, nullâ te prosequutos contumeliâ, hâc tam gravi injuriâ, indecisâ lite, afficere, et exinde pacem perturbare universalem; quâ solâ adversus imminens nobis Turcam tuti sumus; nec scandalum in Ecclesiâ, periculi in totâ Christianâ republicâ, causam præbeas; proptereaque Rex cœlestis a te irritatus, tantam suam erga te benignitatem aliquâ serenitatis amaritudine permisceat.

‘Te igitur, fili, per eam quâ semper te sumus prosequuti benevolentiam, semperque si per te liceat prosequemur, omni studio et amore hortamur, et paternâ charitate moneamus, ut si hæc vera sint, quæ tuam veterem pietatem, et gloriam denigrant, tute ea corrigere velis, ipsam Catharinam Reginam ad te humaniter revocando, atque in eo Reginæ honore, et uxoris quo decet affectu apud te habendo; ipsam vero Annam a publico tuo convictu et cohabitatione, propter scandalum removendo, donec nostra sententia inter vos subsequatur. Quod nos quidem, etsi est a te debitum, tibi quoque est maxime futurum honorificum, beneficii loco recepisse a tuâ serenitate videbimur. Nam quod te in pristinâ tuâ voluntate erga nos, observantiâque erga hanc sanctam Sedem, cum quâ mutuis officiis et beneficiis semper certâsti, conservare maxime cupimus, summo sane cum dolore ad ea descenderemus juris remedia quorum necessitatem non nostra privata contumelia, quam tibi libenter condonaremus, sed Dei omnipotentis honor publicæque utilitatis, et tuæ animæ salutis ratio ad postremum nobis, quanquam invitis, imponeret; sicut etiam nuntius apud te noster hæc tuæ serenitati uberius explicabit.

‘Datum Romæ apud sanctum Petrum sub annulo Piscatoris die vigesimâ quintâ Januarii millesimo quingentesimo trigesimo secundo, Pontificatûs nostri anno nono,’

Cum autem, id quod dolentes referimus, in dies magis nobis confirmetur, et asseveretur, licet ipsæ litteræ tibi per nuntium

nostrum repræsentatæ, ejusque conformis sermo, in idem te nostro nomine hortatus fuerit, ut a tanto scandalo et contemptu Ecclesiæ desisteres, nihilominus te in separatione cohabitationis cum Catharinâ Reginâ, et continuatione cohabitationis cum Annâ prædictis, publice perseverare; nos cum neque Dei honorem, nec nostrum officium, nec tuæ animæ salutem negligere debeamus, te, fili, sine tamen tuorum jurium et causæ pendens præjudicio, iterum hortamur, ac sub excommunicationis pœnâ monemus, ut si prædicta vera sint, eamdem Catharinam Reginam apud te in reginali honore, ac solitâ cohabitatione habere, ipsam vero Annam a publicâ cohabitatione tuâ rejicere, intra unum mensem a die præsentationis præsentium tibi factæ computandum debeas, donec nostra sententia et declaratio inter vos fuerit subsequuta. Aliter enim nos dicto termino elapso, te et ipsam Annam excommunicationis pœnâ innodatos, et ab omnibus publice evitandos esse, ex nunc prout ex tunc, et e contra autoritate Apostolicâ declaramus, et nihilominus, tametsi abhorret animus talia de serenitate tuâ opinari, licetque id ipsum jam serenitati tuæ a nobis nostroque Rotæ auditore et judice cui hujusmodi causa fuit commissa inhibitum fuerit, et ab omni tam humano quam divino jure etiam prohibeatur, tamen permoti hominum famâ, denuo serenitati tuæ inhibemus, ne lite hujusmodi coram nobis, et dicto Rotæ auditore indecisâ pendente et sine sedis Apostolicæ licentiâ speciali, matrimonium cum dictâ Catharinâ Reginâ Apostolicâ autoritate contractum, et prole subsequutâ, tantoque temporis spatio confirmatum propriâ autoritate separare, aut divortium cum eâ facere; neve cum dictâ Annâ, aut quâvis aliâ matrimonium contrahere præsumas, irritum prout est denuo decernentes, si quid forsân attentari super hoc a tuâ serenitate aut quovis alio, quâvis autoritate contigerit, vel forsân hactenus fuerit attentatum, sicque a quibusvis judicibus tam extra Romanam Curiam, quam in eâ, etiam Sanctæ Romanæ Ecclesiæ Cardinalibus, et dicti Palatii auditoribus sentiendi, definiri, judicari, et interpretari debere; sublatâ eis omnibus aliter sentiendi, definiendi, judicandi, et interpretandi facultate.

Non obstantibus bonæ memoriæ Ottonis et Ottoboni, olim in tuo regno, apostolicæ sedis legatorum, et quibusvis aliis

constitutionibus et ordinationibus apostolicis, ac statutis et consuetudinibus, etiam juramento, confirmatione apostolicâ, vel quâvis firmitate aliâ roboratis, necnon quibusvis privilegiis et literis apostolicis in contrarium forsân etiam per dictam sedem concessis, confirmatis ac sæpius innovatis, etiam expresse caven- tibus Serenitatem tuam et Reges Angliæ aut quosvis Reges excommunicari, suspendi vel interdici non posse. Quibus om- nibus illorum tenores præsentibus pro sufficienter expressis et totaliter insertis habentes, illis alias in suo robore permansuris, ad effectum præsentium specialiter et expresse, ita ut omnino tollantur pro hâc vice derogamus, cæterisque contrariis quibus- cunque. Et nihilominus cum nobis legitima sit facta fides, constare coram dilecto filio Paulo Capisuechio nostri palatii apostolici causarum et causæ hujusmodi ad eam nobis in sacro nostro consistorio referendum, cum potestate citandi et inhi- bendi, etiam per edictum publicum constituto summarie et extra- judicialiter de non tuto accessu, auditore ad Serenitatem tuam pro citationibus et aliis ei personaliter intimandis tutum non patere accessum, proptereaque tam idem Paulus in vim rescrip- torum nostrorum specialium, sua instrumenta, citationes, et inhibitiones quam nos plures alias nostras in formâ brevis literas per edictum publicum in locis infra scriptis affigendas decreverimus.

Idcirco mandamus universis et singulis personis, etiam in dignitate ecclesiasticâ constitutis, in virtute sanctæ obedientiæ et sub excommunicationis latæ sententiæ pœnâ, quatenus cum præsentibus literæ ad eos pervenerint, seu eis præsentatæ fue- rint, easdem præsentibus literas hic Romæ in audientiâ nostrâ publicâ literarum contradictarum publicari, in partibus vero in collegiata Beatae Mariæ de Brugis Tornacensis ac parro- chialis de Dunckerke, oppidorum Morinensis Diocesis eccle- siarum valvis, tanquam in locis circumvicinis affigi, ac pau- lisper amoveri, et earum copiam collationatam eisdem valvis affixam dimitti, et demum super publicatione et affixione præ- sentium literarum et illarum copiæ affixione et dimissione, pub- lica et autentica instrumenta manu propriâ Notarii coram testibus fieri faciant. Et de his omnibus, ac aliis quæ in præ- missis per eos gesta fuerint, Nos, seu Paulum auditorem præ- dictum certiores reddere curent. Nos enim præsentium litera- rum publicationem, affixionem et copiæ dimissionem per eos, ut

præfertur, faciendas, postquam factæ fuerint serenitatem tuam et Annam supradictam perinde arctare ac si præsentibus omniaque in eis contenta eidem Serenitati tuæ et illi personaliter intimatæ, ac illarum copiarum tibi et ei datæ, traditæ et dimissæ fuissent, decernimus.

Datum Romæ apud sanctum Petrum sub annulo Piscatoris, die decimâ quintâ Novembris M.D.XXXII, Pontificatûs nostri anno nono.

Sic scriptum in calce partis interioris ejusdem brevis, die vigesimâ tertiâ Decembris M.D.XXXII.

Suprascriptio autem præfati brevis a parte exteriori talis erat:

Charissimo in Christo filio nostro Henrico Angliæ Regi illustrissimo, fidei defensori ⁷³.

Then follows the Relatio Executoris, describing the process as gone through at Dunkerque, January 21, 1533, and at Bruges, January 23, 1533.

⁷³ These Breves have been printed by Le Grand, tom. iii. pp. 446, 531, 558; by Canon Tierney, in his edition of Dodd's Church History, vol. i. pp. 366, 391, 404, from Le Grand; and by Audin, in his Life of Henry VIII, pp. 412—418, with the omission of the *Non obstantibus*, &c. The copy with which they have been compared is in the British Museum, C. 25, c. 15. It is neither paged nor foliated, but

consists of 6 sheets, signat. A, B, C, D, E, F, all of four leaves, and two leaves without signature. This is the most correct copy, but is not free from mistakes of printing. Tierney's copy, which was taken from Le Grand, is better than Le Grand's, because several evident errors have been corrected from conjecture. Audin's is full of the grossest blunders.

Number CCCXX.

*A Glasse of the Truthe*⁷⁴.

T O T H E R E A D E R S .

To the gentle readers and sincere lovers of truth.

YOU shall have here, gentle readers, a small Dialogue between the Lawyer and Divine: wherein, if there lack such eloquence, such drift of arguments and conveyance of reasons, as peradventure were requisite, and as ye shall desire: yet we shall most entirely pray you, that where we be not sufficient to supply the same, to content yourself with this our rudeness, declaring the pure truth alone, which you shall be right sure to find in this poor treatise. For here have you no new allegation of man's invention or imagination, but only taken of

⁷⁴ This treatise has been reprinted from a copy in the Bodleian Library, presented by Dr. Hudson, Linc. 8^o. J. 66. It consists of 40 leaves, beginning with signat. A., containing four leaves, and ending with signat. F., also containing four leaves, B, C, D, E, containing eight leaves each. It is in black letter excepting the headings of the pages and that part of the marginal analysis which is in Latin. There is another copy in the Bodleian which formerly belonged to Bishop Tanner, and has his autograph on the title-page—*Thom. Tanner*—and the following words in nearly contemporary handwriting: 'written about the 24 yere of King Henry the eight concerning marradg.' It is bound up with a sermon by Dr.

Richard Fitzjames, printed at Westminster by Wynkyn de Worde. The two copies resemble each other very exactly as far as the pages and the lines up to the place where the Tanner copy is wanting in a few lines. After that they agree with the same exactness as far as the beginnings and endings of lines are concerned, but differ in the beginning and end of the page to the end, where the copy in the Tanner Collection gives the printer's name at greater length, so as to fill the page, as follows:—

Imprinted at London in Flete-
Strete, by Thomas Berthelet
printer to the Kinges
moost noble
grace.
Cum privilegio.

A. 2. the scripture of God, of the counsels and ordinances of the Church universal, of most ancient popes and other holy doctors' writings, with the facts and authorities of blessed men beside, without writhing or wresting of any of them: ⁷⁵ which, taken of these and none other, I am sure you will say it is to be esteemed for a most assured truth. Praying you, most benign readers, that though some would say that they be not truly alleged, rather to give credence to so many approved universities, which affirm our allegations to be true, than to the asseveration of any other, specially of some few affectionate persons, which do or may endeavour to deny the same.

And now therefore to tell you the very truth, this same is the grounded cause why this little work beareth his name, which is the Glasse of Truth; for it is plainly the same clear glass within the which ye shall see and behold (if ye look well and leisurely in it) the plain truth of our most noble and loving prince's cause, which, by unmete and unkind handling, hath hitherto had so overlong a stay. The which, doubtless, if we well consider, is much more our hindrance than his; for his lack of heirs male is a displeasure to him but for his lifetime, as lacking that which naturally is desired of all men to have children. But our lack shall be permanent so long as the world lasteth, except that God provide; for though we have a female heir, which is both endued with much virtue and grace in many dootes and gifts, yet if a male might be attained, it were much more sure, if we well perpend and ponder many urgent and weighty causes: amongst which this one is deeply to be foreseen, that if the female heir shall chance to rule, she cannot continue long without an husband, which, by God's law, must then be her governor and head, and so finally shall direct this realm. But who that should be, with the contentment of the subjects, methinketh it were hard to excogitate; for proximity of blood is too great a let to some, otherwise mete for that purpose, except we would be so beastly to put our neck eftsones in the snare of this erroneous prohibited error, which is and hath been always detested by the most part of all the famous clerks of Christendom: the punishment

⁷⁵ 'being taken of whom and of none other,' Tanner.

whereof were too terrible to be suffered, and also too abominable to be heard of, amongst Christian folk. On the other side, to other some, it were dangerous lest we should make A. 3. them superiors to us, over whom we claim superiority, seeing the man must rule the woman: others outward mete personages our slender wits cannot comprehend. And, as touching any marriage within this realm, we think it were hard to devise any condign and able person for so high an enterprise: much harder to find one with whom the whole realm would and could be contented to have him ruler and governor. Wherefore we think the establishment of titles is not so surely rooted nor yet so entirely maintained by the female as by male; which, well considered, since the union of all titles do remain and be collocate in him only, we ought of duty (if our wits may thereto extend) to excogitate all ways to us possible how we might attain the succession of heirs male; and that way once found, earnestly with celerity to put in use: in no wise suffering this weighty and urgent cause to be longer deferred or delayed by those which do but usurp to themselves an honour and vain glory contrary to many general councils, and their own laws also, as more plainly shall appear in this little treatise of truth; for else, according to an ancient proverb, *'Too long abode is causer of much danger'*; we might be much endamaged⁷⁶ and hindered. Farthermore, you shall in this Glasse see how that now it ought to be ordered after our simple judgments, so to have a good and perfect end, most for his honour and quieting of conscience, for our great wealth, and for the prosperity of this his noble realm. And now this same is the truth of which Scripture saith, 'That great is the truth of strength and power above all⁷⁷: with it there is none iniquity,' none ill dealing, none obstinate and froward babbling; no malicious backbiting, no slanderous and factious enforcing. This is the sole truth left untill herself: without all vain ostentation, without inventing or borrowing of idle titles and inscriptions, without colouring, dissembling, pretence and all outward painting. Ye shall find here the mere truth (as we trust) without all maligning, railing, gesting, and detracting of them, that of A. 4.

Mora trahit periculum.

Magna veritas et fortior præ omnibus, non est cum ea quicquam iniquum. 3 Esdræ. 4.

⁷⁶ 'indemnyfyed,' Tanner.

⁷⁷ 'of bove all,' Tanner: an error of press.

truth no such have deserved, the which it may be your lot to see and hear somewhere else. Much more we might induce to set forth and adorn this Glasse of Truth before you, save that the process following shall sufficiently and much better perform the same, to the which I wholly remit you: evermore most heartily praying you godly, mildly, and without all affection, to imprint well in your hearts this mere and sincere truth, and so to follow it that you may do a thing acceptable to the pleasure of Almighty God, and contentation of our sovereign and prince. And thus fare-ye-well in God, loving brethren.

A D I A L O G U E.

The Lawyer. Me seemeth it is wisely and truly said, that the right way is ever the nearest way; and likewise the plain way most sure to try all manner of truth by.

The Divine. I think that it be true which you speak; but you speak so obscurely, that I wot nere what you mean thereby. If you mean it by the imitation of Christ, which beareth witness of himself, saying, 'I am the right way, I am the true way, and I am the perfect life;' then are you in the right. And if you mean the plain way to be most sure, because that Christ saith he is the door by which we must enter in, this your saying cannot be amended; whereunto God himself exhorteth us also by his prophet, saying, 'Ye Christian men, look ye judge aright.'

That our
Saviour
Christ is
the right
and plain
way.

The Lawyer. The better for my purpose; for the cause why I speak it is for the great, weighty cause of Christendom, concerning the king's separation from the queen. It is tossed and turned over the high mountains, laboured and vexed at Rome, from judge to judge, without certain end or effect, B. being very perilous for his highness, and much more dangerous (if God help not) for us his poor and loving subjects; which, if it had been ordained in the right and due course, that is to say, within the realm, and so by the metropolitan examined and discussed, as law and reason would it should have been, there had ensued in this right way or this time an honourable end and purpose, to the great wealth of this realm and quietness of Christendom. The letters whereof, whatsoever they be, methinketh ought to be detested of all good English people and subjects.

The dangerous and unmete handling of our sovereign's rightful cause. That the cause ought to be ordered within this realm.

The Divine. One of the chief letters is and hath be the lawyers' opinion, which would attribute to the Pope, the head of their law, all manner of power; whereby, being well descant (as they can well enough), at length shall be no law, but only his will; for and if he might dispense with God's law and all other, and ordren them as he will (as lawyers say that he may), then what folly were it to observe God's law or any other, but only investigate and search to know the Pope's will in every thing, and that to follow accordingly? which once attained, were the lawyers' whole glory. For who should be set by then but only lawyers, because they extol his authority so high?

How some lawyers too much attribute unto the Pope.

The Lawyer. You ensearch and follow the French proverb too much.

The Divine. Which is that?

The Lawyer. 'Who searcheth findeth.' For surely if without affection we should speak, we lawyers attribute too much authority both to our master and to ourselves also.

Qui serche trouve⁷⁸.

The Divine. I have heard verily few of your sect so plainly confess the truth. Nevertheless it is to my great comfort to remember that it is my fortune to meet with so sincere a man, being (as I trust) so entirely my friend, which is dedicate to truth and not to profession.

⁷⁸ The marginal reference here is wanting in Tanner.

The Lawyer. I wot what I should do, but I wot nere what frailty will let me do.

The Divine. If will be purely good, the old proverb shall follow: *Nihil difficile volenti*—‘God will aid the well-willer alway.’

B. 2. *The Lawyer.* That being true, and because you have something touched us lawyers, you give me boldness farthermore to commune with you, and ask of you if divines be not partly to blame as well as we, that this great cause goeth no better forward?

The Divine. All I cannot excuse; for some of us be as heedful as you; and yet our learning leadeth us not to it, as yours doth you; for we should only regard the Maker of all laws and the mere truth, and not vanities of this world, nor eke affections.

The truth
of God
without
worldly
respects
to be re-
garded.

The Lawyer. Ye say well, friend. That, would to our Lord the learned men of the world, most specially of this realm, would follow this lesson and use it indeed; for, as I perceive and hear, some of them follow more affections and respects than God’s word only and truth.

The Divine. Who taught you, I pray you, to hit so truly the nail on the head? I think, indeed, that if worldliness were not looked for, there would more agree to the truth than hitherto hath: though there be a marvellous great number that hath agreed thereto already indeed.

The Lawyer. That worldly respects may hap to fail them that trust thereto, and where be they then? Methinketh, farthermore, a great folly in them to adventure upon so slender a ground both soul and body.

The Divine. Truth ye say, whereof is great pity, that learned men specially regard not more the world to come than the world present; and that they unite not themselves in opinion: which thing sheweth a great lack of grace and an overmuch addiction to private appetites, mixed with too much heediness and obstinacy. And yet there is but one truth in this matter.

Great pity
that all
learned
men be not
of one
opinion in
this one
truth.

The Lawyer. I marvel, then, why many thus call this matter disputable, seeing that there is but one truth therein; and why that truth is not embraced and openly shewed by all learned men.

The Divine. As to the first, though some call it so, I see no reason why they should say so, except they would say that nothing is taken for truth in this world; for I do esteem that there be few articles of our faith the which be approved by more authentic authorities, more provable yea invincible reasons, by more laudable customs and usages, than this cause is on the king's side. And since it is so, methinketh it is not disputable as a doubt in law. As to the second, I fear me that lack of executing in deed of that which we profess by mouth is a great lack thereunto; for our lives and religion be many times far asunder. I pray our Lord amend it when it shall be his pleasure. But as to the first, because I think it not disputable, I shall declare you some reasons which do persuade me to think so.

The Lawyer. Marry, I pray you let us hear more; for one I have heard already, which methinketh very vehement. If the remnant follow, I shall for my part be marvellously satisfied.

The Divine. First, it is to understand that, according to the saying of the prophet Davyd, 'The word of our Lord God is most sure and ever abideth.' Since that so is infallible, it must needs follow that it, which he utterly forbiddeth in the negative, may nowise be attempted. Then, in this case, that is to say, a man ought not to marry his brother's wife: it is in the negative forbidden in the Levityke, both xviii. and xx. chapters; and therefore in nowise it is to be attempted, specially with us that be Christian people.

The Lawyer. I think this hard to be assoyled; nevertheless, the law Deuteronomyke seemeth to assoyl the same.

The Divine. Nay, surely, if it be well understande; for, in the beginning, that law seemeth to propound and limit certain points and circumstances, without the which that law were no law, as plainly by the text itself it doth manifestly appear: that is to say, first, as when they dwelt together; the second, when he died without issue; the third, to suscite the brother's seed; the fourth, that his first son should be called by his brother's name; the fifth cause and ground of that law was, that the name within the tribe should not be forgotten nor abrogated in Israel, most specially the tribe of Judah, whereof it was prophecied that our Lord should come. Never-

That this cause is not disputable as a thing of doubt.

B. 3.

Verbum domini manet in æternum. Psal.

Nullus accipiat uxorem fratris sui, et non licet tibi habere uxorem fratris.

A man to marry his brother's wife is forbidden by the laws of God.

Plain circumstances and proofs that the literal sense of the Deuteronomy law was to the Jews only.

B. 4.

Only the
mystical
sense of the
Deutero-
nomie law
is for
Christian
men.

Ipsa basis
et funda-
mentum
Deut. legis.
B. 5.

Quando
fratres
habitave-
rint simul,

theless, to the intent that ye might well perceive that this law was trulier to be observed in the mystical sense than in the literal, and that most specially now by us Christian men, the smallness of the pain which followeth it declareth it full well; as by the text following you may well perceive. And yet it is left also to the arbitrement of him that succeedeth to take or refuse her at his pleasure and will, suffering a right small and easy punishment, as tofore, which is limited in the aforesaid chapter. And to shew that it should not be but in the mystical sense observed by us Christian men, and not literally, Saint Austen saith thus: 'Every preacher of the Word of God is bound so to labour in the Gospel that he stir up seed to his brother departed, that is to Christ, which died for us; and the seed so suscite must have the name of him departed, that is of Christ: whereupon we be called Christians. So, therefore, we plainly be not bound to keep and fulfil this law carnally as by bodily generation after the aforesaid signification and taking of it, but spiritually in a truth fulfilled.' Holy Ysidoure, in the self-same manner, saith as doth Saint Austen⁷⁹. Saint Ambrose also saith, 'That the sentence hereof is taken mystically.' And as for any example in whom this were fulfilled literally, there hath been none shewed, as he affirmeth. Now methinketh therefore (though we make the most we can of it), this law of Deuteronomy was but a special law given only to the Jues, as ye may well perceive by the aforesaid circumstances in the text itself, serving only for those expressed intents: which, among us Christian men, neither hath nor may be in anywise observed as taken of that law, but be clearly abrogate, annulled, and in nowise to be used. For who, now-a-days, thinketh himself bound to suscite his brother's seed, or to have his son called by his brother's name? Or who thinketh himself bounden now to the groundsell and very foundation of this law of Deuteronomy, which is here in this chapter, as to continue the inheritances, and to support the names of the tribes in Israel only? And that this is the full intent and ground of this law, it may be gathered very well by the very text of the same law, where it saith, 'When brethren dwell⁸⁰ together, and one of them dieth without issue

⁷⁹ 'Augustyne,' Tanner.

⁸⁰ 'dwelleth,' Tanner.

or children.' Which maketh a plain argument and sure proof that, except he died without issue, his wife should in nowise marry the other. Then to have issue for suscitation of seed and continuance of the brother's name in Israel (as it well appeareth) is the cause of this law. Which also maketh it appear evidently that this law is merely ceremonial, as that is institute for certain people only, for certain place and certain time; for I am sure no man will say that we ought to marry for that intent now-a-days. These things be so evident and manifest, that methinketh without a man will not see, he must needs perceive, that this law of Deuteronomye, whereof we speak now, was only made for the Jewes, and that we Christian men be clearly out of the servitude and bondage of the observance of the ceremonies of that law, except that he will have Christ looked for to come again, and will have us Christian men to play the very Jewes. Beside these proofs upon the very text, the most part of the ancient authors also do declare this law of the Deuteronomye to be abolytte; and that, except both circumstances in every part and also the ground were observed, it could never have served; for they be so mixed together in precept, that the one cannot well stand without the other, and duly be kept as it ought to be: wherefore this Deuteronomyke law taketh nothing away my former argument, nor yet assoyleth any part thereof.

The Lawyer. By the faith I owe to God, you speak felly.

The Divine. Nay, I could speak much more yet in declaring of that law, were it not that I promised you to shew you the reasons why that this matter is not disputable.

The Lawyer. I pray you, since we be entered into this B. 6. matter, let us have more of it, to the intent we may try our own conscience the better in it.

The Divine. Since you needs will have me cough out all, I will tell you more of my mind. The Deuteronomye law in this case could ill quadrat or agree with the Leviticall, except the intent and circumstances thereof be well considered as tofore; and also that this term 'brother' in that place be well understande and considered.

The Lawyer. Why, I pray you, is there more mystery of that word in the Deuteronomye than in the Levityke?

The Divine. Yea, forsooth; for in the Levitike it can nor

et unus ex
eis absque
liberis mor-
tuis fuerit.
Deute. 25.

This Deu-
teronomye
law cere-
monial,
which is
now clean
abrogate.

Note the
taking of
this word
'brother.'

may be taken for other than for the very brother, the text being judge itself. But by the Deuteronomyke, as many taketh it, is meant the next of the blood after the degrees prohibite; though he be but kinsman; and so it might well stand with the Leviticall amongst the Jewes. The which interpretation is well approved also by the plain history of Ruth. But these things be so highly entreated in many other works and treties, that it were but a loss of time to commune any more of it. Wherefore, I mind now to return to my former purpose, and to declare you the rest of my reasons.

The Lawyer. These, indeed, have been more entreated on than the matter which you have propounded: wherefore, since it is your pleasure, I pray you go forth withal; yet I ensure you I have not heard so profoundly that other matter declared in my life for so short and a brief declaration.

The Divine. I am glad, though without my desert, that this my declaration pleaseth you so well; and now I will go forth with the rest of my mind. First, I esteem the Word of our Lord God above all things, that neither deceiveth nor yet is deceived, which saith that no man shall take in marriage the wife of his brother; and, secondly, I note that he in the same chapter commandeth this not only to the Jews, but as well to all manner of people; saying these words, 'You shall do none of these abominations, neither you that be here born dwellers of this country, neither any stranger, whatsoever he be, that cometh among you. Every man that doeth any one of these abominations shall perish from the midst of his people.' By these words it may well appear that God doth not prohibit these offences only to the Jews, but also to all manner of people; for he saith, 'Every man, whosoever he be, that doth any of these abominations shall perish.' If God himself had not determined this law to be moral, he would never have commanded it to all manner of people; for few places there be (as I think) in Scripture (I may well say none) which be generally prohibite that be not also moral. And it is, moreover, to be thought that God would not so generally have forbidden it, so extremely prohibite it, so horribly to have detested it by his own words; calling it in some place offence of his precept, in some contamination, in some place a grievous fault, an ungodly and unlawful thing, in some place abomi-

Verbum
dei nec
fallit, nec
fallitur.

The prohibi-
tion Le-
vitical
general for
all people.

B. 7.

Non facie-
tis ex om-
nibus abo-
minationi-
bus istis,
tam indi-
gena quam
colonus,
qui pere-
grinatur
apud vos.
Levit. 18.

Omnis
anima quæ
fecerit de
abominati-
onibus his
quippiam :
peribit de
medio po-
puli sui.
ibidem.

nation, in some execration: except these were moral, and except it were also his very will that folke should generally forbear and detest them. These words (as seemeth me) be so fearful, so terrible, and of Christian people so to be pondered, that the weight and grievousness of them can scante, without great grace, be condignly imprinted or impressed in our hearts: wherefore, methinketh, we ought all with meek spirits to call for grace, and to endeavour ourselves by all ways to attain the same, to the intent it might the more abundantly flow in us, and not obstinately or carnally to withstand it, when many times it is offered us; for it is a great fault, and a great lack of grace, when men hath truth offered to them and they wilfully to withstand the same.

The sore word that God himself useth in giving the prohibitions Levitical.

The Lawyer. In good faith, I never marked this, nor yet understood so perfectly in my life; for surely it is marvellously to be noted, and yet with more reverence to be observed, in-
somuch that now methinketh I perceive a very shamefastnes
to enter into any such act, which except the act were un-
lawful, needed nothing.

Verecundia.

The Divine. Now ye begin to feel somewhat and to find the truth; for Scripture, in the same chapter, confirmeth your B. 8. saying, alleging these words: 'There is shame in discovering the uncleanness of thy brother's wife. Thou shalt not discover it; for it is the uncleanness of thy very brother.' Hereby we may well perceive that there is a vileness, a contrariety to virtue herein; for else we needed not to be ashamed of it. And I do think, verily, that whosoever would maintain the other part, cannot deny but that it is against honesty, which is very virtue; but that it is of itself very uncleanness: it is (as I have rehearsed here by God's own words) a sore fault. It is contamination, abomination, execration: wherefore I marvel that Christian men do not tremble to hear it, and much more fear not wittingly to do it, or advisedly to continue in it; for surely there can be nothing of the spirit of God that can induce man to it. If for carnal affections and worldly policies men should persuade it, how much that were to be detested by a man of pure and sincere conscience: I report me to any man that is indued with a perfect and plain garment of truth, that for any wealth of this world would break or seek colours to break so high a precept of the Maker of all worlds. Where-

Non revelabis turpitudinem uxoris fratris tui, quia turpitudinis fratris tui est. Le. 18. Contrarium honesto. Turpitudinis ex se.

Non ex spiritu.

fore these which we have afore rehearsed being so evidently declared by his own mouth, as the text itself doth affirm it, when it saith, 'I am your very Lord the which commandeth you this,' methinketh that we Christian folk ought to judge this cause not disputable, but already judged by the Judge of all judges; and so manfully to withstand in God's quarrel the maintainers and supporters of the contrary, seeing that our Master so extremely prohibiteth and with such abomination detesteth it.

Ego domi-
nus deus
vester.
Lev. 18.
The cause
not now
disputable,
but already
judged of
God.

Other things there be also which moveth me marvellously to think that this is not disputable, and those be these:—

Ancient
authors.

First, the ancient authors the which writeth of it, wherein they, in detesting it, do shew manifestly their opinion and plainly give their judgment in it; for if it were good, or hereafter might be good, they being so highly learned and so holy, would never so greatly abhorred it.

C.

Councils.

Secondly, the councils for the most part (which speaketh of it) doth utterly damn it, specially (as it seemeth me now)

Constance
Council.

Constance council, in disapproving the opinions of Wycliffe; for that council saith, 'That whosoever be of that opinion that this prohibition Leviticall, "Let no man marry or otherwise take and use his brother's wife," with other there, be only prohibitions made by man and not by God, and holdeth the same, they incontinently to be esteemed and taken as very Paynemes and mere heretics by the Church.' Farthermore, that none, whatsoever he be, shall dare either to preach, to teach, to hold, or in anywise allege any of Wycliffe's articles, either of the xlv. first condemned, or of the other cclx. articles, of the which this same before rehearsed was one. Wherefore it may evidently appear now that this matter is not disputable, but already judged and concluded, since it is determined that he shall be taken for a very heretic that holdeth or upholding disputeth the contrary.

Nullus
accipiat
uxorem
fratris sui.
Levit. 18.
Heresy to
maintain
the con-
trary to
this cause.

The con-
sent of all
indifferent
universi-
ties.

The third is, that the whole consent of all the indifferent universities of Christendom doth plainly determine and consent that this prohibition Levitical is not only a thing prohibite by the laws of God and nature, but also that it is a square and very rule, by the which Christian men ought to be ordered and live by. Since they take it thus, that is to say, that this is a precept and a direction by which we Christian men ought to

live by, and the law Deuteronomyke a thing ceremonial, which is abolytte, I marvel that folk be not ashamed to call this matter disputable or to hold against it: much more, I wonder what ground they have or would forge the contrary of this matter upon, seeing that first it is (as methinketh) already judged by God's own words, by general councils, by the whole consent of all indifferent universities of Christendom, yea and by a great number of other learned men, whose seals and hands be ready to be shewed. / It is also among us Christian men Per manus traditionem. C. 2. imprinted in our hearts in manner (as who would say) from one to another, from the father to son, to detest it. And doubtless among good folk it hath been and is in manner so abhorred that scarcely they can find in their hearts to hear speak of it. / So, then, that I take it an whole acceptation of the Church of Christendom since the beginning of the faith; wherefore, any This truth accepted from the beginning of the Church hitherto. more to doubt of it, or to call it disputable, and not to repute it as already judged, I see no ground why, and think it damnable. Alas, methinketh, that learned men holding against this opinion, though they seem to be of the Church, they be not indeed; for they hold an opinion contrary to the opinion accepted by the whole Church: wherefore these words of Scripture may well be laid against them, where Christ saith, 'Whoso Qui non est mecum contra me est. Math. 12. that is not on my side is on the side against me.' So that, by these words verified in them, it well appeareth that they be not of Christ's Church. Farthermore, I am sure that some of them will say there be divers cases heresies which I dare boldly say have not such ground and foundation in truth, neither of Scripture, nor of good authors, nor yet of general councils; neither have been accepted by the due order which cometh from one to another as this hath: willing the laye⁸¹ fee to believe them in these matters, and yet will not they give place themselves to this matter, so highly proved and by so many ways determined. Who can believe them in their persuasions, when they believe not nor give place to the truth? Not calling truth that which fantasye judgeth truth, but that which is approved truth: therefore methinketh they slander sore the Church, or else much themselves, as who would say there were no truth therein, when they so sheweth themselves

⁸¹ 'lay fee,' Tanner.

Omnis
doctrina
divinitus
inspirata
utilis est
ad docen-
dum. ² ad
Tim. 3.
C. 3.
Ut fiat
unum ovile.
Jo. 10.

Unum
ovile et
unus pas-
tor.

Our bounden
duty to our
prince.

Malignity
and ill
report to
be with-
stande.

of contrary opinions; for if there be a truth (as good men think that there is), it ought universally to be taken to be preached and taught for a truth. 'For all doctrine inspired by God is good and wholesome to be taught,' as saith Saint Paul, and not by sinister affections to be hid, hindered, and detracted, like as therein some do. Wherefore, to the intent to reduce them to one flock, to a concord and to one assent, I think it were necessary that the prince and his people should not give credence to them in those things which they on so much less ground so desire and require to have kept and observed, until they give place to this, and such other as Scripture doth plainly declare and determine, with like assent of general councils and of ancient saints and doctors. And I think, so that if they might have the one, which they be affectionate to, granted them, they would soon give place to the other; and so might there be made one flock and one shepherd of it, one head and guide and a sort under him of one mind and concord; the which, as for my part, I pray God send us shortly.

The Lawyer. These be wonderful things to hear, and ought much to move the hearts of all true subjects, and that specially since they concern their king's sole health, his wealth and their realm also. Alas, is it not great pity, the prince having so manifest and plain grounds for him, he being also so loving to us as he is, so glad and so hearty to take pains for this his commonwealth, that we, which that be his subjects, should be to him so unnatural, that other for other considerations worldly, or for reports of sinister persons, should lette to do our very duty to him; yea, and leaving the plain truth, rather to believe maligners against his cause, which soweth more division than obedience, and not according to our very duties to stick fastly and surely unto him which is in the very right? Though, peradventure, he say little, yet may it fortune that he marketh all: wherefore both duty and reverence with fear, is to be had to him which is so loving and hearty to us, to the intent that these being joined both on his part and ours, we may withstand the malignity of all backbiters and slanderers, and utterly in our hearts conceive that it is far from our duty of allegiance to believe untrue reports and false malignations against our sovereign. And herein we

ought to amend our faults, and from henceforth not to suffer any such reports, but manfully to withstand whosoever would use themselves to the contrary, either in word or deed. And in this doing, I think there should be rooted the greatest union between the head and body that ever was seen or heard of, which should fulfil and perfect that wise saying of Sallust, 'Where is peace and concord, small things increaseth and cometh to much: by debate and discord, where is most, it soon faileth and slideth away.' Wherefore I pray God send us his light of grace, specially to keep this between our head and us.

Concordia
parvæ res
crescunt,
discordia
maximæ
dilabuntur.
De bello
Jugurthi.

The Divine. By my truth, I think there cannot be a better exhortation than you have here given us all; for so long as no member halteth or is in pain, the whole body must needs be the healer. But now that hitherto we agree so well, I must be as homely with you as you have been with me, praying you to assoyle me certain questions of law, like as I have assoyled you in divinity. /

The Lawyer. I were to blame else. But I must pray you first to assoyle me one question more, which I would fain know.

The Divine. What is that, I pray you?

The Lawyer. Of the power of the Pope in dispensation with the law divine.

The Divine. Of that to entreat at length were now too short a time; and it hath also been written of by so many authors, that it were hard for me to say anything therein the which hath not been said. But yet, for your pleasure, I will assay something as it shall occur to my mind; yet one thing I must know your will in ere that I proceed any farther.

The Lawyer. What is that, I beseech you?

The Divine. Marry, sire, this is it, whether you will that I should shew you what the old, ancient doctors do say, or what the moderns, which somewhat flattereth the Pope's authority, saith; other else declare you mine opinion, taken out of both, which I trust shall not be far from the truth?

The Lawyer. The ancient doctors' and many also of the moderns' opinion hath been declared herein in many other books and works, of which I have seen some both of Latin A. 5. and English. But is there, say you, difference amongst other of their opinions?



The Divine. Yea, forsooth, for some of the moderns smack too much of your law in wresting of Scripture for advancement of dignity, which the old fathers do clean forbid and contemn, and likewise also divers other moderns, whereby you may well perceive that there is some alteration among them.

The Lawyer. That is true. But which think you do best?

The Divine. They that do least attribute arrogancy, rule and dominion to the spirituality; for sure it will be at length, else, their utter confusion, it is so abominably at this day abused and presumed on. But now to my matter. The Scripture saith these words, 'Why do you break or transgress the commandment of God for your own traditions?' And also these words, 'The propheticall and holy Scripture is not of man's interpretation.' With this, moreover, Scripture must needs stand unloosed. All these ancient authors, also, which here followeth do say, accordingly to holy Scripture, that the Pope cannot dispense with other the law of God or nature. Saint Augusten, besides other places, in the epistle which he writeth, *Ad Glorium Eleusinum*, sheweth that he is under the general council; wherefore much the more he must needs be under the law of God. Saint Ambrose, in his book *De Paradiso*, affirmeth the same. Likewise Saint Bernarde, both in his epistle *Ad Adam monachum*, and in his book *De dispensatione et præceptis*. Holy Popes also that were in the old time do confess the same: as Fabianus Papa, in his epistle *Ad orientales*; Mercellinus Papa, in his epistle *Ad orientales*; also Urbanus Papa, in 25 q. 1, *Sunt quidam*; Zozimus Papa, in *De Statutis gentium*, where he saith, 'That against the statutes and decrees of fathers the See of Rome can neither make nor change nothing, much less against the Scriptures and Statutes of God;' Damasus Papa, *ad Aurelium Archiepiscopum*; Innocentius Papa, in ca. *litteras*. Beside these, other ancient authors confirm the same: as Basilius Magnus, in *Regula monachorum*; Beda, in *Expositione Epistolæ Petri*; Isidorus, ca. *Si is qui præest*. With these agreeth as in one also these latter divines: Alexandre de Halys, Scotus, Ocham, Richardus de media Villa, Albertus Jacobus de Lauzanna, Altissiodorensis, Franciscus de Maronis, Gerson, Durandus, Gabriel Biel, Herveus, Bernardus de Trilla, Antoninus Florentinus, Joan. Lupus, and many more, which do plainly

The Pope cannot dispense with the law of God and nature. Quare vos transgredimini præceptum Dei propter traditiones vestras. Ma. 15. Scriptura prophetica non est humane interpretationis. 2. Petri 1. Non potest solvi Scriptura. Joan. 10. Augusti. Ambro. Bernardus. Fabianus Papa. Mercellinus Papa. Urbanus Papa. Zozimus. Damasus. Innocentius. Basilius. C. 6. Beda. Isidorus. Posteriores Theologi.



affirm that no man can prove that the Pope may dispense with other the law of nature or the law of God. Wherefore it followeth well, that this being the law of God (as it hath been both well and plainly before declared and proved). as methinketh it is evident, it is easy both to perceive and believe that, since it is thus grounded on the very law of God, it is also indispensable. Now, then, moreover seeing that this case is also determined as well by ancient authors as by general councils, yea, and holy Popes' own confessions; and seeing, also, that all these doth agree, both moderns and others, with the full consent of the most part of all the universities and learned men at this hour within Christendom, that this case is indispensable; methinketh greatly that we ought (this matter being so evidently opened and declared) clearly and wholly to believe this, and as true subjects to stick with our sovereign and prince, in this his just doing and laudable act; for (as me-seemeth) it is a sinful and an unnatural demeanour of subjects, what sinister labour soever be made to the contrary, to mis-deem their prince, that in so weighty a cause he would be seduced and use affections: which hitherto reigning the xxiii. year over us, and more, hath shewed himself in all his doings but just, indifferent, and most upright. And I, for my part, do rather arrecte this blindness of the people more to ignorance, with a little too much lightness in credence to light folk, the which goeth about to seduce them, than to any other act of unnatural duty; for I think, verily, that there was never prince among us that ever was better beloved, nor that hath deserved more to be. Wherefore, now using the saying of Saint Poule, 'I do exhort you in our Lord God,' that you his subjects do exonerate yourselves of all manner of grounds or occasions that might breed any unkindness in his heart toward you. And also his majesty (you with all due reverence so doing) to continue his well-approved zeal and fervent love, always hitherto shewed among you, to the intent aforesaid, which is that we may have, according to Christ's own words, 'One flock and one head.'

The cause
of the
people's
blindness.

Hortamur
vos. 2.
Corynth. 6.

The Lawyer. On my faith, you have satisfied me both with great and many authorities, and (as methinketh) also with invincible reasons. I pray God, mine answers to your questions may satisfy you as well and with as much truth as yours hath done me.

The Divine. I doubt not but they shall; for your intent, as a man may judge, and your learning also is of that integrity, that otherwise than truth cannot succeed so far as the law can say. Wherefore I pray you answer me first to this question—Might this cause be heard, and were it a due course that it should be heard within this realm, as in the beginning of this matter methought you said?

That the cause ought to be heard here within the realm, and determined.

The Lawyer. Sire, I not only affirm that it might be, but also I utterly protest that it ought to be so; for as it was ordained in the Council of Nyce, and likewise in other general Councils of the world, that every cause should be decided where it first began, even so this cause being first begun here in Englande, should likewise have been here in Englande determined.

The Divine. In my judgment ye speak reason, but how shall I know that you speak law? for I hear sometime, in other cases, that law and reason differ, and good reason is not always called law.

The Lawyer. You say in some part well; for indeed all reason is not law; but this you may be sure of, that contrary to all reason is no law, though men sometime be otherwise borne in hand; and in this case, conformably to reason, as I have begun to shew you, it was provided and ordained in divers councils that none should be called out of the province: which councils are and ought to be taken for laws established by the assent of all Christian men, which must stand and take effect.

Authority of councils.

C. 8.

The Divine. Ye name the Council of Nyce and other also. Now, I pray you, let us hear how they speak herein, that we may be the more sure.

The Nycene Council. Ca. vi.

The Lawyer. First, the Nycene Council saith thus:—‘The old and antique custom let it be kept throughout Egypt, Lyby, and Penthapoly, so that the Bishop of Alexandre have the power of them; for there is a like custom of the city of Rome. Likewise at Anteoche also and other provinces let their customs and privileges be kept within their churches. Look this be kept, that they which be excommunicated of their bishops, of none other be received to communion. Forsooth, the power or confirmation through every province shall pertain to the metropolitan.’

Cap. v.

Cap. iv.

By this it may well appear that there is or ought to be a special jurisdiction or power within every province in

ecclesiastical observations and deciding of causes. But that this may be so much the more plain, you shall hear what Ysidoure saith to this purpose in the Preface of the Book of Councils. 'It is manifest (saith he there) that such things which chanceth throughout every province, that the Sene or council of the same province must order and dispense them, as it is plain to have been decreed and ordained by the Nicene Council.' 'It is read also (saith he) in an Epistle of Pope Innocence in this wise:—"If any trial of cause, business, or contention arise among clerks and laymen, or betwixt clerks of higher or lower degree, whatsoever they be, it pleased and hath been ordained that, according to the Nycene Council, all the bishops of the same province be gathered together, and so the judgment of the cause to be finished and have his full end."' Thus you see plain what is the mind of Nycene Council herein, even so as we have brought it in for.

Isidorus
in præfa.

Epistola
Innocentii.

The Divine. But, sire, since that Isidoure saith that there be more chapters of the Nycene Council than these which we have and be expressed commonly in the book, of the which he saith also that this is one, how is it that you have brought us in here which is plainly contained there to confirm this purpose?

The Lawyer. That have I done truly, because it maketh D. much as seemeth me, and I have affirmed no more than may well be take of it. Now if it seem not so plain to you and other for this purpose by that yet which is added of Innocence and Isidoure, it may well and fully appear that this our purpose and position is plainly contained among the chapters of the Nycene Council, if it were wholly had, whether that be it or part of it, or no. The Council Affricane to Pope Boniface much maketh for the same; yet to satisfy you and all other the more herein, you shall hear how this is also proved and confirmed by the great Council of Constantinople, wherein it is written thus:—"It is manifest and plain that throughout all and every province the provincial Sene or council ought to administer and govern all things there according to that is defined by Nycene Council." Can you or any other think but that this is a sufficient proof that this is the very decree of Nycene Council, except you will needs pretend ignorance, other else perversely deny both these authors and councils general?

Conci
Constanti-
nopolita-
num.

Historia
tripartita.
li. 3, ca. 7.

Conci. Cal-
cedonense.

D. 2.

Epistola
conci. Af-
fricani ad
Celestinum

Moreover, the Council Constantinopolitane agreeth hereunto, where it sayeth thus :—‘ According to the canons, the Bishop of Alexandre let him guide only those things, the which be within Egypte. The Bishops of the orient, let them govern only the orient,’ &c. But if it chance them to be called out of their administration, let them not go for other ordinances to be made, or for other dispensations ecclesiastical; but (as is tofore rehearsed) in every province the provincial Sene must order and govern all things, which be (as it is there understande) mere spiritual. ‘ Whereunto,’ saith the History Tripertyte, ‘ that the fathers in the Council of Constantinople defined, that if any cause arose within any province, it should be finished by the council of the same province.’ The Calcedonense Council draweth near after the same, where it determineth ‘ that a cause should begin afore their own bishop, and from him to the council of the province.’ The same council decreed ‘ that, according to the fathers’ rules, twice in the year, throughout every province, the bishops should come together, where everything that came among them should have his due correction and order.’ Farthermore, the Epistle which the Affricane Council sent to Pope Celestine sheweth well this purpose, and witnesseth also the Nycene decree, where thus it is written :—‘ The Nycene decrees most plainly hath committed both clerks of lower degree and also bishops to their own primates.’ For they most wisely, yea, and justly perceived that all matters, whatsoever they were, ought to be finished and ended where they were begun. They understood full well that the grace of God will fail no province, by the which the right and equity may well and wisely be seen of the priests of Christ, and most fastly and constantly holden and fulfilled of them : specially, because it is given and granted to every man that if he be grieved with the sentence of his judges, to appeal to the council of his province, other else to the universal council, [⁸² which lawfully cannot be denied, but is approved by these words following in the said council :— ‘ Except that there be any man which believeth that our Lord God will rather inspire righteous judgment into a particular person, than to a great number of virtuous and well-disposed

⁸² The passage from ‘ which ’ to ‘ such thing ’ is omitted in Tanner.

persons, gathered together in council by his spirit and ordinance.' For how can the judgments of beyond the sea be firm and stable, unto the which those persons that be necessary cannot be brought, either because of age or for many other impediments? And as for that any legates should be sent as from thy Holiness' side, we find it not ordained or decreed in any council of fathers; for in all the councils that we could find of Nycene we could find no such thing.] The seventh Council of Carthaginense and Milevitane also saith well to the same in this manner:—'It hath pleased and is decreed that priests, deacons, and other clerks of lower degree, if in their causes they complain of their bishops' judgments, that the bishops which dwell by hear the cause; and such as shall be taken to the cause by the consent of their bishops, let them finish all that is between them. But if they think mete to appeal, let them not appeal farther than to the councils within Affrycke, or to the primates of their own province. Who that would think that they ought to appeal beyond the seas, let them be take of none within Affrike for Christian men, or as any of their communion.' Over and above all these, the Council of Antioche decreeth in this manner:—'For ecclesiastical causes, controversies, business or matters which ariseth to be dissolved and eased, we have thought and decreed to suffice that through every province a council of bishops be had every year twice: the first to begin the third week after Easter; the second the first day of October. And in these councils must be present with them both priests and deacons and all other which feeleth themselves aggrieved, so to tarry and abide the sentence of the council: nother it may be lawful for any to make these councils within themselves without the knowledge of their metropolitans, to whom it is certain that it is given and granted to give judgment of all causes.' Besides these councils, Eginus the Pope decreeth also, 'That if for overmuch farness, unmeteness of time, or soreness of the way, it be grievous and painful to bring a cause to the See of Rome, that it be had to the primate.'

Conci.
Carthagi-
nense
7, et Mi-
levita.

Conci. An-
tiochenum.

D. 3.

Eginus
Papa.

The Divine. If these be so as ye allege them, and as I doubt nothing but that they be, it must needs be as ye have said, that this cause ought to be determined within this realm; for it is not possible that the Pope may well dispense, immute, or break these councils:

The Pope *The Lawyer.* You take it very well; for how may the
 voweth and pro- Bishop of Rome or any other primate be so bold as to break
 fesseth to keep the canons, the which every one of them voweth to keep, and
 Canons, and may solemnly professeth the same? If he should so do, were he
 not break the same. decreeth? Who could think that one bishop might destroy
 the acts of so many holy fathers, made with their one assent,
 according to the profession of blessed Gregorie?

Ne dimit- *The Divine.* You speak even as the thing itself would have
tas legem you; for since it is said by Salamon, 'Leave not or break not
matris tuæ. thy mother's law,' who could think that the Church of Rome,
Proverb. i. which indeed is but a daughter of the Church universal, might
 destroy the laws of her mother? Doth not holy Pope Leo
 say with an open voice, 'That though there were now made
 a greater council than was the Nicene, it might not derogate
 our four councils: therefore the Pope of Rome ought to rule
 the Church of Rome by the universal councils and the law of
 God, and nowise the contrary.'

The Pope *The Lawyer.* Sothly, as ye say; therefore he cannot dis-
 ought to rule by the cannot dis-
 law of God pense against the
 and coun- cils, and Canons.
 D. 4. self? or who can, without fault, break that he hath openly
 professed? Forsooth, if he do against this his profession, he
 'doth thereby depose himself,' as saith the Council Carthagi-
 nense.

The Divine. And well worthy; for, because (as saith our
 Saviour Christe) 'the servant is not bigger than the master, nor
 the apostle or he that is sent bigger than he that sent him,'
 since that Christ 'came not to break the law, but to fulfil
 the same,' the Pope of Rome can nothing do against the law of his
 mother the Church universal, whose canons he hath professed
 to keep with solemn vow, in the which vow he cannot dis-
 pense with himself, neither any other can, since he hath none
 superior in spirituality.

The Lawyer. That such is the Pope's vow and open pro-
 fession, besides other places, appeareth well by the Councils
 of Constance and Basyle, and by the Book of Bishops, which is
 called *Diurnus*, as sheweth the great clerk Ivo in his *Epistle*:
 where he is earnest that the old traditions and customs ought
 not to be removed or broken by any private laws or new
 traditions; for against the statutes of the fathers the authority

Ivo, Epis-
 tola lx.

of the See of Rome can nothing do ne change. ‘With us (saith he there, which is Pope Zozimus’ saying also) liveth and Zozimus. remaineth antiquity so rooted and fast grounded, that it will not away, to the which the decrees of fathers hath given and D. 5. established such reverence: wherefore the Popes of Rome be or ought to be the keepers or maintainers and not the breakers of the holy canons.’ Thus saith Leo, thus saith Bonifacius, and thus saith Pope Gelasius. Pope Celestyne affirmeth ‘that Celestinus Papa. he thinketh ill of the Pope, yea, the worst that can be, which thinketh that he may ordain anything against the canons.’

The Divine. The holy doctors and divines also agreeth well with this, especially Saint Augustin in the epistle *Ad Gloriam*, tofore rehearsed, is plain in this. Pope Zozimus (as ye know) is clear in it. Pope Damasus, Hilarius, with other, will no breach or transgression of the canons without an inevitable necessity, ‘the which (as they say) God forbid.’ ‘Therefore Damasus Papa. Hilarius. (as saith Gerson) it is an exceeding and an unruly error of Gerson. them, the which saith that the deliberation or council of the Pope weigheth above the deliberation of the Church or Council General; or that affirmeth that the Pope is not bound to follow the counsel and obey the same, except that he will.’

The Lawyer. Certainly you come well to the purpose; for the holy Council of Constance decreeth also the same in these words:—‘Every man, of whatsoever state or dignity that he be, yea, though he be the Pope, is bound to obey the General Council in these things which pertain to our Christian faith, to the help and extirpation of a schism, and generally to the reformation of the Church of God in the head and in the members.’ It decreeth, moreover, thus:—‘Whosoever, of whatsoever state or dignity that he be, yea, though he be Pope himself, will disdain or refuse to obey the commandments, statutes, or ordinances of this Council, or of any other General Council, now made, or hereafter to be made, upon the premises, or such as pertain unto them: except he amend this fault, ought to be put to due penance and condignly punished, with recourse (if need shall be) to other helps of the laws.’

The Divine. Truly, if this be thus as here you have well induced, as seemeth me, it cannot be avoided but that the Pope ought to conform himself to the canons and decrees of D. 6.

councils, and not to dispense against them, and so much the less he may dispense with the law of God.]

The Lawyer. That can nowise be denied; 'For between God's law and man's (saith Innocence, of whom we spake before among other lawyers) there is so great a difference, that against the law of God may never be dispensed: about man's law may be had dispensation sometime, as necessity and utility shall require.'

No dispensation against the law of God.

The Divine. Well said. But you lawyers many times speak so earnestly for both parties, and allege your glosses so thick, that men unlearned in that faculty cannot tell whom to trust. And well I wot that in this point some lawyers say nay; for if they agreed, all the matter should have been or this time done.

The Lawyer. Truly this, as ye say, chanceth oft times among us lawyers indeed; but not in that we be lawyers, but in that we be men fashioning our knowledge and opinion in law, as it may serve best for our purpose; and he is called but a slender advocate or proctor in law, that of one law and text or other cannot shape arguments fit for his client's part. Herein is no default in the law, but in the abusers of the law.

The Divine. Marry, of them that use themselves thus, Scripture saith indeed, 'The law is lacerate and final judgment cannot be had lawfully': so that this saying which followeth also, be it never so general of itself, may well most specially be applied to them too: 'Every man is full of lying.' But how shall I trust you that you speak law to me in this great cause, rather than them that speak on the other side?

Lacerata est lex, et non pervenit ad finem judicium. Habacuc. i. a.⁸³ Omnis homo mendax. Psal. cxv.

Apt comparison.

D. 7.

The Lawyer. The authority of general councils and the very Popes' own confessions sufficeth to that. Very natural reason also shall confirm that my saying to be true; for it is true that like as every private person in his case hath daily his doubt decided by the judges of his country, and in the common law of the realm the matter is tried by the jury of that country, and in the Pope's law no man shall be called two days' journey out of his country; even so have princes in

⁸³ The reference here is omitted in Tanner.

times past according thereunto obtained sentences in like case. And if you will take the pain to look over and fully to consider the general councils which I tofore rehearsed unto you, ye shall then find that not only it might, but also that it ought so to be. And reason (as I have shewed) is hereunto conformable, that the cause should rather be heard and discussed where it may be known plainly, and every point duly ensearched and examined, than where all parties be ignorant in the matter, as at Rome.

The Divine. Why, then, doth the Pope wrong to enterprise to know of the matter at Rome?

The Lawyer. So say⁸⁴ the general councils, so doth divers holy Popes confess, so saith the University of Parise, so saith the University of Orleance, so saith a great number of clerks in Italy, so saith all that be not led by affection to say on the other side.

The Divine. You shew so many councils, Popes' assents, great authorities, and also so plain definitions of so noble universities, which affirm your saying, that no man can but think it true that ye say: wherein certes (as methinketh) the authority of the general councils and Popes' own sayings giveth such faith to the cause, that it is unreasonable to be denied, specially considering and weighing that also the universities say and express the same, which, of likelihood, would not disstain their honour and reputation in the world, with their great blame, rebuke, and just damnation of God and the world in swerving from the truth. I think, therefore, surely that you say true, and I marvel much that the Pope agreeth not to that truth.

The Lawyer. As to that I cannot say; for it were an ill bird that would defile his own nest; but, nevertheless, we see here a truth affirmed by many general councils, by many Popes, by many other authors, and also by noble universities, by so many great learned men; and the same is never the more followed, but the contrary thereof executed (right notwithstanding) against our prince and sovereign lord, which pitieth mine heart, and all true subjects, I think, within his realm; not doubting, with God's grace, but that nother he D. 8.

⁸⁴ 'sayeth,' Tanner.

nor we will suffer so prejudicial an injury to be inferred to this realm, and so pernicious an example for all Christendome.

Our duty
and obedi-
ence we
owe to our
prince. *The Divine.* That is surely so : wherefore I doubt not (God assisting us) but that this his realm will rather stick with him in this his manifest right, according to their duty, than put their necks under the yoke of the Pope, or his, at pleasure laws ; for God commandeth obedience to the prince, and so

In what
the Pope
is not to be
obeyed.
Bernardus. doth he not to the injuries of the Pope, but willeth us rather to withstand them, as by divers texts and holy men's examples it shall hereafter appear. ' God (saith Saint Bernarde) commandeth us to do that is good, and to leave that is ill.' Now,

if that man, whom he hath given pre-eminence to and set him above us, would think to the contrary, and cause us other to leave that is good, or to cleave to that is ill and forbidden of God, there his commandment is boldly to be refused ; for it is far out of order to break thine obedience thou owest to God, for thine obedience towards man. ' Wherefore (saith Saint Augustine), if he that is in power above thee, as to whom thou owest thine obedience, command thee to do anything that thou oughtest not to do, there contemn and refuse his power. If he bid thee do one thing and God another, obey God, contemning him.' ' If that man biddeth, God forbid ; shall I (saith

Bernardus. Saint Bernarde) hear man, and not hear and obey God ?'
Basilius
ma. ' Therefore (as saith holy Basile) if we be bid of any man to do that is contrary to the commandments of Christe, there is high time for us to say we be bound more to obey God than men.'
Simon de
Cassia. ' I boldly do affirm (saith blessed Symon de Cassia) that the Vicar of Christe is not exempt from the precepts of the law of God, nother can exempt any other from the same ; nor can give license to sin or do amiss.'

The Lawyer. All this you speak here is very well agreeing also with the Pope's own laws ; ' for if his commandment (saith Innocentius. Innocence) contain heresy, or be thought likely to trouble greatly the whole church), or that other ill should happen thereby, a man ought not to obey, though it be commanded under the pain of excommunication, in the which he falleth when that he obeyeth not.' ' And if a man be excommunicated (saith Abbot) because he doth that is good, or will not do that is ill, the sentence of excommunication is none ; and if the sentence of excommunication be manifestly unjust, it is as none.'

E.
Abbas.
Where
excommu-
nication is
as none.

The Divine. Thus the good Archbishop of Canturbery, Laurence, successor of Saint Austen, would for none entreaty of the Pope, nor yet commination of cursing, assoyle him whom he had rightfully accursed for the marrying of his mother-in-law. / Likewise Saint Dunstane would in no wise obey the Pope, though he prayed him, admonished him, and straitly commanded him to assoyle the earl, whom he had before excommunicate for the marrying and retaining of his nigh kinswoman, until he had put her from him; for this same was evermore in his mouth, 'God forbid that for the cause of any mortal man I should contemn the law of my Lord God.' Even so the good Bishop Sampson had rather abide and suffer all perils of excommunication than to do that he saw he might not do by the law of God. The noble clerk and good Bishop of Lincoln, Roberte Grosthede, also wrote unto the Pope which had made (as he knew well) an unlawful request unto him, 'That such enforcements he must needs say nay to and rebel.' Wherefore, now, if it fortune hereafter that the Pope or any other spiritual person would, for sinister affection or increase of authority, interdict, excommunicate, or send any inhibition to interrupt the justness of this cause, other else the due proceeding in the same, according to the definitions afore, in that case (as methinketh) both the king, his spiritual and lay subjects also, should manfully in God withstand them, and stick in their minds and deeds to the manful, virtuous, and holy saying of all the blessed Apostles, which is, that we ought rather to obey God than men. And no doubt but that in our so doing we shall have like reward of the same our Maker, as these holy men and blessed bishops had, with more the which did follow the same steps.

Laurentius
Archiepiscopus
Cantua.

Sanctus
Dunstanus.

Sampson
Episcopus.

Robertus
Lincoln.

E. 2.

The Lawyer. By my faith, you speak to very good reason, but I cannot say that our law agreeth to this reason.

The Divine. No, I think that well; but the foundation and very stone which you should ground your law upon doth establish us to condescend to the said reason; for the Church of God hath his foundation set upon a firm and stedfast stone of truth and faith, and not upon the mutable and wilful pleasure of Peter's successors. But your law doth so much attribute to man (as modern glossers doth expoune), that it would make man, which is but frail and caduke, director, governor,

and as superior to the very Word of God, which is (as the prophet saith) always permanent, what simple wit or slender faith would think or believe that God, in setting forth his laws and precepts, had (as a man would say) so unadvisedly considered and commanded them, that anywise they should need of man's reformation, or that he did create man to be superior to his word and will? Methinketh, verily, that it is too great an arrogancy for man so to usurp upon his Maker: wherefore now let this pass, and answer me (I pray you) to another question in law.

The Lawyer. What is that now?

The Divine. This same:—If a man should commune with you of the law, and ask you whether the decrees and decretals (which you among you do call laws), with the opinions of doctors which writeth of them, be directed in their just execution merely and in all cases by truth or no: what would ye answer?

The Lawyer. What would I answer? Marry, this do I answer: that the law, in his due course exercised, ought to be directed by truth only.

The Divine. And what call ye truth? That which appeareth in deed only, or that by report? And if by report, whether that which some men say and depose is true, or only that all men say and wholly agree unto is true?

What is to
be taken
for truth.
E. 3.

The Lawyer. If the deed do appear evidently, then it is greatly to be considered and weighed; and if not, then it is to be referred to that which the ancient fathers approved in law, or the assent of general councils do say and affirm to be true and law; and if (as in a rare case) it fortune sometime that the truth cannot be fully gathered or made plainly to appear, then judgments and opinions of doctors, sounding to reason so far as man's wit can comprehend, and not discrepant from God's law, be to be ensued and followed.

The Divine. Herein may sometimes fortune an error.

The Lawyer. That is truth; for in the justice of this world that is truth which the laws receiveth for truth, and when the laws receiveth it, then it is as truth in the sight and judgment of men, though in the sight of God it be not so. God seeth all with his own eyes, and therefore his justice is most perfect, and is directed always according to a most perfect truth. /Man

trusteth other men's eyes and tongues, and sometime his own senses, which may err; and therefore followeth and admitteth instead of truth the likelihood of truth and the likelihood approved by the law. Whereupon it followeth that what the law calleth truth is to be taken for a truth, until the contrary may evidently appear; for if man should never take for the truth, but only that the deeds shewed of truth, there should seldom appear truth to men in many matters. The deed vanisheth and passeth over, ne can be permanent; the testimony of the truth is preserved by the law, which willeth faith to be given to sufficient writings and sayings in that behalf. And if you require farther declaration hereof, methinketh that it appeareth well in this example:—Who can shew the truth of his own lineage or parentage but by authority of the law, by which law witness proveth the marriage of the personages and birth of the child upon the woman married? Whereupon the law concludeth the generation of the husband as father, whether it be so in deed or no; and so it is in proof of the truth of carnal copulation and bodily knowledge, wherein there is no witness commonly that depose of the very act, but only of the near circumstances preceding or following the act, as age of the two parties convenient and likely thereunto, with conversation in bed and other place at liberty for that act: whereupon the law concludeth for a truth the act of copulation to have ensued, and so in other cases of like fashion.

The Divine. Why, sir, if this be thus, as ye say, then shall it little avail the queen to allege that she was not known by Prince Arthur; for sure I am there be witness, and (as I have heard say) of the noblest men of this realm, that knew Prince Arthure and the queen at the time of their marriage, and knew them both to be of competent age, fit, apt, and prone to that natural act; bedded together at sundry times, living at liberty, in one house being; no let or impediment in law why they should not, but many provocations of nature why they should accomplish their natural desire in that behalf.

The Lawyer. I think the queen will never earnestly allege that matter, which hath not only no probability of truth, but also that being proved which you speak of, that is to say, the marriage, living, bedding, and conversation together of her and Prince Arthure, a plain conclusion to the contrary. /

The lawful
proof of
bodily
know-
ledge.
E. 4.

That the
queen's
alleging to
the con-
trary
nothing
avalleth.

Prince
Arthour's
own re-
ports.

E. 5.

How and
for what
cause the
name of
prince was
deferred
our sove-
reign.

The Divine. There be many more specialties than these that go near the matter; for some men of great house say, and (as I am informed) depose upon their oath, that Prince Arthur did report himself unto them that he had carnally known her; and that at divers times, to some at one time, to some at another, so that his sayings were many times reiterated; which, methinketh, giveth much greater faith, inso-much that it is not to be thought that all these times he should speak for ostentation and boasting of himself only; for at some time of these it doth appear by attestation of credible folks, whereof some were his servants near about him at that time, that he spake it for mere necessity, demanding and desiring drink incontinently upon his great labours, in the morning very early, to quench his thirst; answering, when the question was asked him, 'Why, sir, and be ye now so dry?' 'Marry, if thou haddest been as often in Spayn this night as I have been, I think verily thou wouldest have been much drier.' Another thing there is more which hath a marvellous appearance in it to declare that she should be known by Prince Arthure, and that is this:—Incontinent after his death the name of a prince belonged to him that is now our sovereign lord and king, except his brother had children; and so without creation, or any other solemnity, straight way so to be called thereby; which, if it should not so have followed, should have been a mere injury illated by his father to him, without some other marvellous great consideration. So it was, his brother being dead, upon suspicion that she had been with child, and being also certified by the prince's counsel that they and she both thought the same, the name of prince was deferred from our sovereign lord that now is by the space of a month and more, in which time it was likely the truth to be known. And so, methinketh, there can be no more vehement nor almost a plainer trial of her to be known than this, being withal well considered how well advisedly the noble king his father did always proceed in all his acts and deeds. Yea, and a third there is also, whereby it cannot be denied but that this her ostentation and affirmation is nothing true; and that now is evidently proved by an instrument called a brief, which she by herself or her proctor produced in public judgment before the legates in her defence, because our sovereign's counsel

found faults in the bull, which were sufficient in law (as lawyers doth affirm), though the Pope might dispense (as he may not indeed) to annihilate and fordo the marriage between the king and her; for where one of the faults which the king's counsel found was, that after the death of Prince Arthur, in suing for dispensation, she attained a bull, whereof the suggestion was not true, being in one place (as it was said) in the bull *Forsan cognitam*, as who saith, 'may fortune knowen;' which maketh a doubt of that thing which she knew well enough before. And thereby it may well be conjectured that she feared to tell the truth, lest that the Pope, perceiving that she had been known by Prince Arthoure, would never have E. 6.

dispensed with this latter marriage; or else, indeed, if she had not been known, she needed not to have put in these terms at all. And thereby, among other things, the king's counsel thought that this bull was surreptitious and nought, because the true meaning of the supplication was not purely and truly declared in the same. She then, fearing that by this fault and other which were found in the said bull, she should fail of her purpose, did, according as tofore is said, in her defence exhibit this brief, thinking thereby to take away all these doubts which were found in the bull, and specially that of *Forsan cognitam*. But in this (as Scripture saith) *obscurati sunt oculi eorum*, both her eyes and her counsel's were blinded; for where they went about to heal some small sores, they opened a great wound, and in the brief confess *cognitam* without *forsan*; which is to say, that she was known without peradventure: which maketh (as methinketh) too evident a proof that she should be known by Prince Arthur, and so plainly sheweth it that it cannot be denied; for now, if ye mark it well, it is confessed both by him and her, though she list to say now the contrary, and that in judgment. How the brief which was purchased for faults in the Bull manifestly sheweth that she was known by Prince Arthur.

The Lawyer. I marvel, then, that men will yet doubt whether it be true or no that the law approveth so for truth, where these probations appeareth so plain.

The Divine. I will tell you why. Because her grace saith herself that she was not carnally known, and she saith that she knoweth it better than all the world beside.

The Lawyer. It cannot be denied but that she knoweth it best of folke now living; but Prince Arthur, when he lived,

knew utterly as well as her grace, who, having no cause why at that time to say otherwise than the truth, she not denying at that time that same, said then the contrary of that the queen now allegeth, when it maketh most for her purpose so to say, being witness in her own cause and party for her own defence, without any matter to justify her so saying, saving only her sole such allegation. One man's or woman's saying singular, be he or she of never such dignity, authority, prerogative, or pre-eminence, by the law shall not make faith in another man's cause, which nothing appertaineth to him: wherefore, there can be no reason nor law to maintain that the queen, in her own cause, should have credit and be believed, or yet her saying regarded in that behalf; and assuredly to speak, it is impossible by due and lawful proof to prove true this her saying by herself indeed at this hour, seeing that she hath been known since. / And as for words, it is too open in law that the husband's attestation making for the marriage is to be preferred to the woman's denial in that case: so that if there were no more but Prince Arthur's own saying, the law willeth that credit should be given to him and not to her. And if she would go about to prove it by records, it is to be considered that they which she would now bring to testify this, her not to be known, must be of those which were here present with her, which were sent then purposely rather to testify the contrary; for it was at that time the thing which her father and mother both most desired, to hear of succession of their two bodies, and to understand that between them was carnal copulation: whereby it may evidently appear (whatsoever they now say) that they came then rather to approve the contrary than that which she would bring them to testify now; for who can think that they which brought the daughter of their king to be married unto the son and heir of a king, would then seek for ways whereby they might after prove that she were not carnally known by him that they brought her for? And I reckon that neither she nor eke her witness can make in this matter any due proof admissible in law, seeing also that one of the parties is dead, who to make answer had as much interest as she to deny it.

The Divine. I know not your law, but methinketh you speak reason, that we should take for the truth which is law-

E. 7.

How the queen's saying can not prove.

How unlikely should be her record's testimony.

fully approved for truth, whatsoever the party say to the contrary, considering that truth (as ye have declared) dependeth upon the true approbation in the law, and not upon the bare E. 8. demonstration of the act.

The Lawyer. You take it right; and therefore, if my father and mother both would deny me to be their son, I shall (if I have laudable testimony) prove the contrary, although they will never so earnestly both defend and maintain their denial, alleging that they know the truth better than all the world after, as they do indeed; but their knowledge helpeth not where no faith is to be given to them; and the question is, not what they know, but what is to be believed; and truly no man is to be believed in his own matter. 'And (as one said) may a man believe that a maiden, accompanying with a young man of lust (being no let thereunto), shall return as she was a maiden?' Meaning, believe it who that would, for he would not. Prince Arthur's and the queen's conversation together in bed and house, being both of lawful age, with these other probations tofore rehearsed, so clearly setteth forth the truth of carnal knowledge, that the queen's asseveration to the contrary, nor yet her dissembling proofs (if she have any), can blemish the same in any upright, true, or indifferent man's opinion: wherefore I marvel that other she, or any that maketh pretence of love towards her, will allege, or cause to be alleged, so mere an unproveable excuse in so high a cause; the doing whereof, to my judgment, hath greatly derogate both her and their credit, not only in this case, but in all other also.

None to be
believed in
his own
cause.

A juvenile
cupido
credatur
reddita
virgo?

The Divine. These things be so pithily spoken and set forth, that they cannot be avoided: wherefore, since the truth favoureth our prince's cause so much, let us his subjects then not omit nether our zeal nor yet our obedience to him according to our allegiance, nor our duty to God in assisting the truth, as is the part and office of a true Christian man; for surely we ought, by our allegiance, to defend him and his doings against all maligners both in words and deeds; for against maligners God himself exhorteth us by his prophet when he saith, 'Be not desirous to follow the maligner.' Then, since we be forbidden to follow them in general terms, and

Our office
and duty
to God and
our king.

Beware
maligners.

F. generally commanded to avoid them, much more he forbid-
 Principi⁸⁵ deth us in that is against our prince and sovereign. Alas,
 populi tui what ingratitude, yea, and that unnatural were in us, if we
 non male- should otherwise do? or how could we will or desire of our
 dices. prince that point of kindness as toward us and our causes
 Exo. 22. which we refuse unto himward? How might we desire of him
 In⁸⁵ cogi- tatione tua not to be light in credit, when he heareth complaint of us,
 regi ne detrahas. when we be so light to believe all tales invented against him
 Ec. 10. and his most righteous intent? or how can we be so bold to
 desire his grace of his most high goodness and favour, and to
 assist us in our righteous causes, when we do not frankly
 assist him, yea, and offer us to live and die in this his just
 cause and matter?

The Lawyer. Methinketh this matter toucheth us as much
 almost as him, saving only his conscience; but as for the world,
 much more; for in his time no man can interrupt him, nor
 there is no business in title; but afterward, if the order be
 not set by him or that he die, it is hard to say how many shall
 repent of it: wherefore I think of both it is more requisite for
 us than for him to have this matter at an honourable end.

The Divine. But how might that be?

The Lawyer. Marry, I think that the way might be found
 well enough, if the whole head and body of the parliament
 would set their wits and good wills unto it; for no doubt but
 that it ought to be determined within this realm, as plainly
 enough it appeareth before.

The Divine. Surely you say well; for methinketh the suc-
 cession of this realm ought not to be ordered by forreins;
 for if it should, and we to accept the same, they were rulers
 and orderers of this realm, and not the king and his parlia-
 ment. And then, doubtless, this realm were as evil in con-
 dition as slaves of Turkes, which I pray God defend it from;
 for seeing that there is nothing to be determined but the fault
 of being known or not known, which I think is evidently
 enough proved already, there is no place so convenient to try
 the truth of that matter as this realm: wherefore methinketh
 the king's highness and his parliament should earnestly press
 the metropolitans of this realm (their unjust oath made to the

⁸⁵ Both these references are omitted in Tanner.

Pope notwithstanding) to set an end shortly in this, and to take a greater regard to the quieting of his grace's conscience and this realm, than to the ceremonies of the Pope's law; for, by God's law, they be bound to the obedience of their prince, and to seek also the quietation and peaceableness of this realm, which ought to be regarded more than any man's law, which I trust they, being of such sincerity as I take them of, will not lette to do when it shall be put to them whosoever say nay, answering, when need shall be, according to their ancient and virtuous predecessors. Rather we ought to obey God than men.

Magis
oportet
obedire
deo quam
hominibus.
Act. v.

And thus this little treatise shall make his end, praying the readers, that if anything be amiss in it, to arrecte it rather to lack of discretion than of good will; and though peradventure, in opening of the cause, some be indirectly touched farther mayhap than pleaseth them, we humbly desire them to reckon that if we could have, by our simple wits, devised any other way so plainly and truly to have opened this cause, we would much rather have done it than thus⁸⁶. But, in declaring the truth, we mind to halt for no respect; wherefore we pray them to hold us excused; and though, peradventure, that the wise man's proverb⁸⁷, 'The telling of the truth breedeth oft displeasure,' shall take effect in us, we mind not (and God before) to spare either to tell it, or with our lives to maintain it, seeing that Christe himself saith, 'I am the very truth and eterne life,' which abideth them that follow the truth. And whereas we think that it is hardly possible for any man to indite or convey any work of such sort that no man shall find a fault therein, specially captious folke and maligners; which rather, when they have found a right small fault, will go about to jest and rail on it; yea, though no fault at all, yet rather will so do of all that pleaseth them not, than to come to the remnant in the justification of the matter. We most entirely pray you, loving readers, that if any such ye now, or hereafter shall hear of, which would contradict or again say this poor treatise of truth, not to give credence unto them till they can prove the contrary hereof; and that sothly not by their gestes, their faces and crakes, which is all out of frame, but (as it

Peroratio.

Veritas
odium
parit.

Ego sum
veritas et
vita.
Joan. 14.

Against
maligners
and raving
babblers.

⁸⁶ 'this,' Tanner.

⁸⁷ Tanner inserts here 'Veritas odium parit,' and omits it in the margin.

The sure
pillars this
work lean-
eth to.

ought truly) only by good Scripture, good ancient authors, general councils, virtuous and holy Popes' own sayings, famous universities, and infinite clerks' and learned men's opinions concurring with old ancient customs and usages; and that since our Saviour Christ's own time, as we have declared in this our poor treatise already for our part. And another thing there is also which we trust shall cause you to give the less credit to whosoever would malign at this work, which is this: that this work standeth with virtue and cleanness, the which truth⁸⁸ all the contrary part cannot deny, and therefore it ought rather to be embraced; and doubtless the contrary thereof is vice and uncleanness, which ought utterly therefore to be despised. And this sure we are, that divers of the most reputed personages in learning, which taketh the contrary part of that we do, have said to men of great credit, that if this matrimony were to be made, they would never condescend unto it, nor ever advise any man to attempt any such: whereof we now gather that they judged it nought, though for some respect now in this time they do cloak the contrary; for if it were good or lawful (as now they would make pretence it were), why should they have said as tofore is rehearsed? And since they have confessed so far, this urgent reason must keep them within the lyst, which is this: that thing, which is once nought in God's law moral, can never be good but by his only allowance, as most part of councils general and good authors do determine. Wherefore in this their so saying we may well think that they verily confessed the effect of this our treatise: which if they now contrary in word or deed, or hereafter shall, cannot be well taken in indifferent ears, but esteemed to proceed of too much lightness or of suborning, or else of too great affection and cleaving to their own opinion: wherefore, if they so do, we think that little credit should be given unto them. And we doubt not but that your minds and affections are such to your most loving prince, that now since ye know them, such their sayings shall nothing hinder his well-deserved estimation among you; and therefore, eftsoone we most heartily pray you, gentle readers, that nother sinister affection nor yet malicious report do hinder the accepting of this our treatise

⁸⁸ 'traught,' Tanner.

in your hearts and judgments otherwise than that, if you had matters to do before our prince and his council, ye would they should do in your just petitions and causes; for you must remember that Christ commandeth us to do as we would be done to. Where he willeth it of each to other among us all, will he not that most of all we observe it enempst our most loving prince and sovereign? No doubt but so willeth and commandeth our Saviour Christ: in whom fare-ye-well most gentle readers, ever to incline and favour most the truth.

Imprinted by
 THOMAS BERTHELET,
 CUM PRIVILEGIO.

The copy formerly in possession of Bishop Tanner, cited in the notes to this document as 'Tanner,' concludes as follows:—

Imprinted at London in Flete-
 Strete by Thomas Berthelet
 printer to the Kinges
 Moost noble
 Grace.
 Cum privilegio.

Number CCCXXI.

*Documents of the years 1503, 1504, and 1528, extracted from
a treatise published at Luneburg in the month of July,
1533, in answer to the work entitled 'A glasse of truth.'*

PHILALE-

THÆ HYPERBOREI

in Anticatoptrum suum, quod propediem
in lucem dabit, ut patet proxima pagella,
Parasceue, Sive adversus improborum
quorundam temeritatem Illustrissi. An-
gliæ Reginam ab Arthuro Walliæ
Principe priore marito suo co-
gnitam fuisse impudenter et
inconsulte adstruentium,
Susannis extempo-
raria.

Ἀλάθεια θεῶν ὁμόπολῖς, μόνη θεοῖς συνδιατρωμένον.

*Væ qui dicitis malum bonum et bonum malum ponen-
tes tenebras lucem, et lucem tenebras, ponentes amarum
in dulce, et dulce in amarum. Esa. 5.*

EXCUSUM LUNENBUR-

gi, per Sebastianum Golsenum, An-
no M.D.XXXIII

Mense Julio

Cum gratia et privilegio.

INTRODUCTION.

The copy from which the three following documents have been printed is No. 1238, under the head Henricus VIII, in the Grenville Collection. It is of a very small size, and is neither paged nor foliated, but consists of 44 leaves, signat. A, B, C, D, E, all of 8 leaves, and F of 4, the last page being vacant. The writer calls it a *Parasceue*, intending it as the introduction to a larger work to be entitled *Anticatoptron*, which was designed to contain more ample evidence of the assertions made. The preface implies that the last resource the king had to rely on was the assertion of the consummation of the marriage between Prince Arthur and Catharine; and the object of the book is to prove that in any case the Pope's dispensation rendered the marriage valid, and *ex abundanti* that the previous marriage had never been consummated.

The treatise begins with alluding to the manner in which the matter had been handled in the last parliament in England, and proceeds to give the history of the transaction, alluding to the letter of Adrian de Castello to the king, which had been raked up, and which stated that in the first mention of the affair to Pope Julius, the new Pope had expressed his doubt whether he had the power to dispense in the case. This is the letter which is printed as Number I. in this collection. The passage in question is underlined in the original document in the Record Office, and is printed in Italics in this edition of it. The answer to this is, that it may perhaps be true that Julius at first mention, before consulting with the Cardinals, did not know whether his power extended so far; but that he, after consultation and thought, decided as he did. It proceeds, in answer to the 'Glasse of Truth,' which is Latinized as *Speculum veritatis*, to examine the case as it stood under the Levitical and Deuteronomical law; and disparages the Judgments of the Universities, alleging that many more had decided or would decide in the opposite sense. He alludes

playfully to Previdellus' argument in behalf of the king, saying that he ought to be called Postvidellus. He appears to be acquainted with the author of the 'Glasse of Truth,' whom he speaks of under the designation of Catoptropæus, and who is said to be '*magnus Rabinus in aulâ Regiâ.*' He then addresses himself to the adjustment of the Bull and the Breve, and their apparent contradiction, the Bull asserting the possible consummation and the Breve the actual consummation of the marriage. Then follow the three documents here printed. The first attested by a Spanish notary and extracted from the Spanish Archives. This is printed with a few mistakes of spelling and is followed by a Latin translation. After this the author calls attention to the fact that Ferdinand's letter to the Pope implies that Henry VII was fully cognizant of all the facts stated in it, and then appends the copy of the Latin Protestation of Catharine that the Breve had been obtained by her parents without any knowledge on her part of its contents; and that she declined being bound by the assertion contained in it of the consummation of her first marriage, which she steadfastly denied. Then he inserts the letter (E. 2) which follows, written by the king to the Pope Nov. 28, 1504. After Henry's letter he inserts a previous letter (E. 4) of Julius, written July 6, 1504, which is identical with the letter printed as Number II. of these Records. He then disposes of the indelicate allusions made by Prince Arthur on the morning after his marriage; argues that Ferdinand had no reason whatever for inventing such a story, if the virginity of Catharine was a fiction; that Henry VIII had frequently boasted that Catharine had been left a virgin widow, and states the fact that Prince Arthur and the princess had occupied the same bed only seven nights; that a nurse and others had always been present; and that there were many nobles living who could testify to this fact, if only they dared. He then goes on to notice the argument for the probable consummation of the marriage, which it appears had been alleged, but which never appeared in print till 1845, when Henry's letter of July 10, 1531, was published in State Papers, vol. vii. p. 305; and notices the assertion that there had been a month's delay before the new Prince of Wales had been allowed to assume the title, till it could be known whether

Catharine was pregnant or not. And here he adds, that it was quite certain that Henry VII had contemplated marrying his daughter-in-law himself. After this he states that the autographs of most of the letters are at Rome, but that some few had been kept by the queen for her own use. Amongst other things he complains that the bishops in England were only appointed for purposes of State, and that one of them had boasted that he could, without consulting the Pope, and in spite of everybody, give the king a new wife; that the Catholic king had demanded the return of his daughter, through Estrada, but that Henry VII had treated for her marriage with Henry Prince of Wales; first, with Alexander VI; then with Pius III; and lastly, with Julius II, from whom the dispensation had been obtained.

Number CCCXXII.

Letter from Ferdinand to De Rojas explaining the real state of things as regards the consummation of the marriage of Prince Arthur and the Princess Catharine; written August 23, 1503.

Signat
C. 3.

EL REY

Francisco de Roias del nuestro conseio y nuestro embaxador en corte de Roma, sabed que nos, veyendo las guerras y discordias que hay en la Christiandad; y quanto cumple al servicio de nuestro Señor, y al bien y seguridad della la union y concordia de los principes Christianos, como quiera que entre nos y el Serenissimo Rey de Inglaterra nuestro hermano, antes de agora stava assentada confederation y amistad perpetua, pero porque aquella sea mayor y mas firme entre nosotros y nuestros successores, plaziendo a nuestro Señor para que con mayores fuerças podamos emplearnos sunta mente con nuestro muy sancto padre, como es nuestro desseo en todo lo que fuere servicio de nuestro Señor y bien de la Christiandad.

Nos y el dicho Rey de Inglaterra, nuestro hermano, havemos agora concluido y assentado el casamiento dela Illustrissima princessa, doña Catharina, muy cara y muy amada hija, con el Illustrissimo don Henrique principe de Gales, hijo legitimo y heredero del dicho Rey de Inglaterra, nuestro hermano; y porque, como sabeys, para el dicho casamiento es menester dispensation de su Santidad, y esta assentado que nos y el dicho Rey de Inglaterra, nuestro hermano, lahayamos de procurar, como vereys por el trassado de un capitulo del dicho assiento que faze mincion de la dicha dispensation que va aqui, senälado de Miguel Perez de Almacan, nuestro secretario; y ahun que en el dicho capitulo dize quel matrimonio dela dicha princessa, nuestra hija, con el principe de Gales, Arthur, ya deffuncto, que gloria haya, fue consumado, pero la verdad es que no fue consumado, y que la dicha princesa

nuestra hija quedo tan entera como antes que se casasse, y esto es muy cierto y muy sabido donde el la sta; mas ha parecido a los letrados de Inglaterra, que los Scrupulos y dudas que la gente de aquel reyno suele poner en las cosas, que ahun que es assi verdad que la dicha princesa, nuestra hija, quedo entera y ahun que se velaron ella y el principe Arthur, no consummaron el matrimonio, y que por quitar toda duda para adelante en la succession de los hijos que plaziendo a nuestro Señor nasceran deste dicho casamiento, que agora seha assentado se deve dezir en la dispensation que consumaron el matrimonio, y que sobre esto su Santidad dispense, conforme a la contenido en el dicho capitulo, para que estotro matrimonio se faga, y como quiera que en todo tiempo somos ciertos que paraciera muy bien a su Santidad la union nuestra y del Rey de Inglaterra, nuestro hermano, por el bien que della se espera seguir a la Christiandad, y a su Santidad, y a la silla apostolica, en cuyo favor principalmente la havemos de emplear, pero tenemos por cierto que agora le parecera mucho meior, porque la Christiandad tiene mas necessidad della que en otro tiempo, y por los bienes que deste casamiento plaziendo a nuestro Señor sesperan seguir en ella. Porende direys a su Santidad que gelo hazemos saber como a quien creemos que habra della tanto plazer como nosotros mismos, y sabed primero del embaxador del dicho Rey de Inglaterra, nuestro hermano, que reside en essa corte, si tiene mandamiento del dicho Rey, nuestro hermano, para que ambos iuntos pidays y procureys la dicha dispensation, y si lo tuviere, como creemos, quelo terna suplicareys ambos iuntos a su Santidad de nuestra parte y de parte del dicho Rey de Inglaterra, nuestro hermano, que, atendidos los dichos respectos, y el bien que deste casamiento se spera seguir en la Christiandad, le plega otogarnos la dispensation necessaria para el conforme al dicho capitulo, que nos lo recibiremos en muy singular gratia de su Santidad, y tanto mayor quanto mas presto la concediere, y porque creemos que por haver esto respecto al bien publico de la Christiandad, y por tocar a nos por la mucha afficion que tenemos a su Santidad, lo concedera assi liberalmente no dezimos aqui mas sino que entendays en ello conla diligentia que de vos confiamos y trabageys, deenbiarnos la dicha dispensation, lo mas presto que ser pudiere, et mirad que

venga muy cumplida, y si por ventura, quando esta recibieredes, el embaxador del dicho Rey de Inglaterra, nuestro hermano, no tuviere ahun letras de su Rey sobre esto, y no quisiere el iuntamente con vos procurar la dicha dispensation, fasta tener mandamiento sobre ello, entretanto que le llega procuradla vos solo, y fazed nos luego saber lo que en ello habreys hecho.

De Barcelona a 23 del mes de Agosto de Mil quinientos y tres años.

Yo el Rey

Almaçan Secretarius ⁸⁹.

⁸⁹ A copy of this letter exists at Simancas, and has been fully epitomised by Bergenroth in the first volume of his Calendar, p. 309.

Number CCCXXIII.

Letter from Henry VII to Pope Julius II, urging him to grant the dispensation as speedily as possible; written November 28, 1504.

SANCTISSIMO ac clementissimo Domino nostro, Papæ. ^{Signat}
 Beatissime Pater, post humillimam commendationem ^{E. 2.}
 et devotissima pedum oscula beatorum.

Cum superiori anno emanâset a serenissimis Regibus Hispanis, certa quædam commissio, ad suos oratores hic apud nos tunc manentes data, super tractatu Matrimonii inter illustrissimum dominum, Henricum Principem Walliæ, Ducem Cornubiæ, ac Comitem Cestriæ, filium nostrum charissimum, et illustrissimam Principem, dominam Catherinam, eorundem dominorum, Regum Hispaniarum filiam contrahendi, vigore cujus commissionis, per Oratores ipsos et nostros Commissarios ad hoc per nos deputatos, post longam inter ipsos habitam superinde communicationem et tractatum, tandem conclusum et determinatum esset ut, legitimâ sufficientique a Sede Apostolicâ obtentâ dispensatione, hujusmodi matrimonium foret contrahendum. Ad quam dispensationem infra sex mensium ex tunc proxime futurorum spacium, tam nos pro nostrâ, quam ipsi Domini Reges pro suâ invicem parte, obligaremur. Scripsimus ad fœlicis recordationis Alexandrum sextum, necnon ad Pium tertium, Pontifices, Vestræ Sanctitatis immediatos prædecessores, quos eâ in re adeo propicios et favorabiles invenimus, ut, nisi repentinâ morte sublati essent, dispensationem ipsam longe antea fuissemus consecuti. Postea vero diu et sæpe antea in eâdem causâ scripsimus ad vestram Sanctitatem, pro ipsâ dispensatione obtinendâ, ostendimusque nostrâ sententiâ rationabiles, legitimasque et urgentes causas, nos moventes ad hujusmodi matrimonium contrahendum, et renovandam cum ipsis Catholicis Regibus affinitatem, quas impræsentiarum repetere non est visum, quandoquidem illas toties per literas nostras et Oratores, Vestræ Sanctitati demonstravimus,

ut non dubitemus illam in suâ recenti memoriâ eas tenere. Promisit autem nobis Vestra Sanctitas, pro suâ solita elementîâ et paternâ dilectione, quâ nos prosequitur, prædictam dispensationem quam primum nobis concessuram, atque cogitare ut illam, per dominum Robertum Sherburne, Oratorem nostrum, ad nos mittere, quo tute ac secreto ad nos perferretur, quod non modo suis iteratis Brevibus nobis indicavit, sed et Oratoribus quoque nostris, vivæ vocis oraculo affirmavit.

Verum ad hunc usque diem, nihil tamen, ut audimus, est eâ in re actum. Quocirca eidem Vestræ Sanctitati humiliter supplicamus, quatenus ipsam dispensationem, a quâ multa et prope infinita commoda, tum publica tum privata, dependent, gratiose velit nobis concedere. Et quoniam ipse Robertus Sherburne adversâ valetudine correptus, re infectâ, discessit a Curiâ, dignetur illa sic concessam et expeditam aliis nostris Oratoribus tradi facere ad nos mittendam.

In quo nempe nostram, quam de illâ semper habuimus spem et fiduciam re ipsâ comprobabit, et rem summo opifici, Deo, ut firmiter putamus, gratam, ac Sedi Apostolicæ honorificam, universæ denique Reipublicæ Christianæ apprime commodam et utilem efficiet Vestra Sanctitas. Quæ diu felix sit et incolumis ad vota.

Ex Palatio nostro juxta Westmonasterium 28 Novembris⁹⁰
Millesimo quingentesimo quarto.

Ejusdem Vestræ Sanctitatis
humilis et devotissimus filius
Rex Angliæ et Franciæ et dominus
Hiberniæ.

HENRICUS.

⁹⁰ Two copies of this letter exist it is given by Bergenroth, vol. i.
at Simancas, and an epitome of p. 341.

Number CCCXXIV.

The Protest of Queen Catharine that she would not be bound by the assertion contained in the newly-discovered Breve, to the effect that the marriage with Prince Arthur had been consummated; dated November 7, 1528.

IN Dei nomine. Amen.

Signat.
D. 5.

Per præsens publicum instrumentum, cunctis appareat evidenter, quod anno domini Millesimo quingentesimo vigesimo octavo, Indictione secundâ, Pontificatûs sanctissimi in Christo Patris et Domini Nostri, Domini Clementis, divinâ providentiâ Papæ septimi, anno quinto, mensis vero Novembris die septimo, in ædibus Serenissimi Principis et Domini nostri, domini Henrici, Regis Angliæ et Franciæ fideique defensoris, et domini Hiberniæ, vulgariter nuncupatis Bredewill, in suburbiis civitatis Londini situatis, in quâdam altâ Camerâ, ibidem in mei Notarii publici, subscripti et testium inferius nominatorum præsentia constituta personaliter, Serenissima Domina Catharina, Angliæ et Franciæ Regina, altâ et intelligibili voce suâ, fatebatur, asserebat, affirmavit, et recognovit, ac protestata fuit tunc ibidem, quod quatenus in Breve Sanctissimi in Christo patris et domini nostri, Domini Julii, bonæ memoriæ, illius nominis Papæ secundi, de datâ vigesimo sexto die mensis Decembris anno Domini Millesimo quingentesimo tertio, Pontificatûs sui anno primo, sic directo,—dicto nostro Serenissimo Henrico Regi Angliæ et Franciæ, fideique defensori et Domino Hiberniæ, illustrissimi Henrici, nuper Regis Angliæ et Franciæ nato, prænominatæ Serenissimæ Catherinæ Angliæ et Franciæ Reginæ, Illustrissimi Ferdinandi Regis et Serenissimæ Elizabeth Reginæ Hispaniarum et Siciliæ natæ,—inseritur et narratur, quod matrimonium inter Illustrissimum Principem Arturum, dicti Serenissimi Henrici septimi, tunc Angliæ et Franciæ Regis, Primogenitum, et antedictam Serenissimam Catherinam, per verba legitime de præsentia fuit contractum, illud quoque carnali copulâ consummatum, per quæ verba, in

dicto Brevi inserta, apparere videtur prænominatam Serenissimam Catherinam se ab eodem Serenissimo Principe Arturo fuisse carnaliter cognitam; nihilo minus tamen dicta Serenissima Catherina Regina, tunc ibidem protestabatur et declaravit, ac deinde non rogata, neque requisita, sed sponte, pure, simpliciter et absolute, sacrosanctis Dei Evangeliiis per eam corporaliter tactis, in testium infrascriptorum præsentiâ, iuravit, quod illa verba in dicto Brevi inserta, copulam carnalem intervenisse, de facto narrantia, per impetrantes dictum Breve, absque scitu et scientiâ suis, fuerunt apposita. Insuper dicta Serenissima Catherina Regina, tunc ibidem protestabatur, quod non intendit per exhibitionem aut usum illius Brevis coram quibuscunque personis, Judicibus, Sedis Apostolicæ Legatis ordinariis, aut eorum commissariis quibuscunque, factis aut faciendis, per illa verba consentire, aut confiteri, quod unquam fuit per præfatum Serenissimum Arturum Principem carnaliter cognita, attento quod de facto veritas se habet, quod nunquam per dictum Serenissimum Arturum Principem carnaliter cognita fuit; licet per eos qui nomine ipsius Serenissimæ Catherinæ Reginæ dictum Breve impetraverunt, sequentes magis præsumptionem juris quam rei gestæ veritatem, illa verba fuerunt apposita. Super quibus præmissis, omnibus et singulis, prænominata Serenissima Catherina, Angliæ et Franciæ Regina, me Joannem Talcarne, Notarium publicum subscriptum, sibi publicum Instrumentum conficere requisivit.

Acta fuerunt hæc omnia et singula præmissa, prout supra scribuntur et recitantur, sub anno Domini, Indictione, Pontificatu, Mense, Die et Loco prædictis, præsentibus tunc ibidem Reverendis in Christo Patribus et dominis, Dominis Wilhelmo, permissione divinâ Cantuariensi Archiepiscopo, totius Angliæ Primate et Apostolicæ Sedis legato; necnon Reverendis in Christo patribus, Dominis Cuthberto Londoniensi, Joanne Bathoniensi et Wellensi, Joanne Roffensi, et Henrico Assavensi, respective Episcopis, testibus præmissa audientibus, vocatis specialiter et rogatis.

Et ego, Johannes Talcarne, Oxoniensis Diœcesis publicus, auctoritate Apostolicâ, Notarius, quia supradictis protestationi et juramenti præstationi, cæterisque præmissis, omnibus et singulis, dum sic, ut præmittitur, sub anno Domini, Indictione,

Pontificatu, Mense, Die et Loco prædictis, agebantur, et fiebant, una cum prænominatis testibus personaliter interfui, eaque omnia et singula sic fieri vidi et audiui. Ideo hoc præsens publicum Instrumentum manu meâ propriâ scriptum exinde confeci, subscripsi, publicavi, et in hanc publicam formam redegi, signoque et nomine meis solitis et consuetis signavi, rogatus et requisitus in fidem et testimonium omnium et singulorum præmissorum.

Sic signatum,

JOANNES TALCARNE.

Number CCCXXV.

Draft of a despatch to the ambassadors at Rome, considerably corrected and altered by the king's own hand; written at the end of January, 1533.

Record
Office.

TRUSTY and right well beloved, we greet you well.

And forasmuch as not only by the relation and report of our trusty chaplain Master Doctor Boner⁹¹, but also by certain instructions delivered unto the same by Sir Gregory de Cassalis, containing divers overtures made by the Pope's holiness—It⁹² appeareth unto us that his holiness, favouring the justice of our great cause, maketh countenance and demonstration⁹³ to shew himself more propense and ready to the administration of justice to our contentation therein, than he hath been accustomed in times past, descending⁹⁴ to these particularities⁹⁵, that⁹⁶, in case we will be content to send a mandate requiring the remission of our cause into an indifferent place, he would be content to appoint *locum indifferentem*, and a legate and two Auditors from thence *ad formandum processum*, reserving always the judgment thereof to himself; or else, if we will consent and be agreeable, inducing also our good brother and perpetual ally the French king to be also content to conclude and establish for 3 or 4 years a general truce, that therein the Pope's holiness is

⁹¹ This draft has been carefully corrected throughout, by the king's own hand, partly by interlineations, partly by marginal additions, some of the larger additions having been written on a loose sheet of paper which is entirely in the king's hand. There is no date of any kind, but from its allusion to the recent arrival of Boner in England, it must have been written towards the end of January, 1533.

⁹² but also by certain letters

written by Sir Gregory afore the despatch of Doctor Boner, upon the lively communications had by the pope to the emperor in justification and favour of our cause by which it

⁹³ now

⁹⁴ for demonstration thereof, as you take it

⁹⁵ following, which Sir Gregory hath also sent by way of instruction to Bonner

⁹⁶ is to say that

pleased, if we and our said good brother will agree thereunto, to indict with all celerity a general Council, whereunto his holiness would remit our cause to be finished and determined; which overtures being also proponed and declared unto us by the^a Pope's nuncio here, be set forth⁹⁷ as though they had been by the said Sir Gregory, in our name, desired of the Pope's holiness, and by him assented to for our contentation and satisfaction in that behalf. Whereof we do not a little marvel, considering that we⁹⁸ never gave unto the said Sir Gregory or any other any⁹⁹ commission or instructions for the same¹⁰⁰.

Nevertheless, for as much as both by the relation of our said chaplain, and by the purport and effect of the¹ said² instructions, and also by the behaviour of the Pope's ambassador here and by such overtures as he on the Pope's behalf hath made unto us, We now considering the benevolent and toward mind of his said holiness, expressed and declared in the same, have much cause to conceive in our mind, as we do indeed, good hope that he, deeply pondering the justness of our said cause, will now take more respect to put us in more quietness therein than we had any expectation heretofore. And therefore our pleasure is that ye, discreetly relating to his holiness in what good part we do accept and take his overtures and persuasions, do give unto him our right hearty thanks for the same, adding thereunto that we verily trust, and be now of that opinion, that his holiness calling to his remembrance the manifold commodities, profits and gratuities heretofore shewed by us to him and the see Apostolic, demanding nothing for reciprocation of friendship and mutual amity, to be shewed at his hands, but only justice in our great matter according to the laws of God and the ordinances of the holy Councils, for the increase of virtue, extirpation of vice, and quiet of all Christendom, established by our forefathers, will now in discharge of his duty towards God, shewing unto us correspondence of friend-

⁹⁷ by him and also in letter to him

⁹⁸ of late

⁹⁹ such

¹⁰⁰ that purpose, but fully to the contrary

¹ fore

² letters

ship according to our deserts, putting apart all shadows of delays, more benevolently extend his good will and gratuity towards us in the acceleration and speedy finishing of our said cause than those overtures do purport³, whereby he may be well assured to have us and our realm as benevolent and loving towards him and the see Apostolic as hath at any time heretofore been accustomed. And as concerning the general truce for three or four years, albeit we do inwardly consider the great good thereof, and be of our own nature as much inclined thereunto as any prince christened, and on the other side as much desirous to avoid contention, whereupon many times ensueth extremity to the hurt of many. Yet nevertheless two things at this time enforceth us to abstain and forbear suddenly to consent to the same. One is, that we being afflicted, troubled and encumbered in our own conscience, and our realm thereby greatly perplexed, cannot suddenly resolve to intimate⁴ or renew any perfect establishment of peace with others till we may be satisfied, and have pure and sincere peace with our own heart⁵. Another⁶ is, that we being, most perfectly by an indissoluble⁷ league, unite and knyt unto our good brother and perpetual ally the French king, may not, ne in any wise will, put our consent to any such request without the knowledge and assent of our said good brother⁸.

And now touching our consent to the indiction of a general Council. Though sundry respects and considerations at the time now present move us to think it necessary, and that

³ which, if it come so to pass,
his holiness

⁴ innovate

⁵ and cause, seeing that it is only will and unkind stubbornness, with oblivion of former kindness, which occasions the let of the speedy finishing of our cause, which your ye may say that his holiness, if it please him, may soon redress, having so good grounds for our part, as he hath, will heartily thereto apply him, and then some good effect might happe to come thereof.

⁶ cause there is also

⁷ amity and

⁸ and other our and his confederates. Notwithstanding, if his holiness thinketh mine endeavour and labour herein may do him any gratuity and pleasure or confer to his purpose in any thing, he advertising us thereof shall well perceive that there shall lack no good diligence in us to set forth such things as may stand with our honour, and be also pleasant to him, he shewing to us some correspondence of kindness in this our just and weighty cause.

we nothing doubt but, our cause being remitted to the same, we should with all convenient celerity⁹ have our desired end therein; yet we, being now in very good hope that the Pope's holiness at the last digesting thoroughly the justice of our cause will so use us in the same that according to truth and equity¹⁰ good and speedy success thereof shall follow at his hands, according to our desire and expectation; we have¹¹ also suspended¹² our¹³ good will and consent thereunto upon two respects. Whereof the first requireth a necessary suspension of our said consent, forasmuch as the same dependeth upon the assent of our said good brother¹⁴, and that the one of us without the other can ne will in any wise consent to any act of such high importance as this is, which toucheth the whole body of Christendom. The second is, that in our opinion, which our pleasure is, ye with good dexterity declare unto his holiness, the good respect had of the state of the world and of the time present, it were not expedient for the Pope himself to consent thereunto, considering that the emperor is in manner compelled by the importunity of the Germaines and the Lutheran sect to cause the Pope to indict the said Council. And how the said Germaines be minded towards him and the see Apostolic we doubt not but his holiness doth deeply ponder and consider.

But ye shall say unto the Pope's holiness in our behalf that, finding him towards us good and kind¹⁵ in the administration of justice in our said cause, whereof we now perceive some likelihood, and perceiving him to continue and persevere, earnestly minding the speedy end and determination thereof for our satisfaction, we can do no less for reacquital thereof than to procure and practise by all ways and means as well with our said good brother as with all other our allies, confederates and friends, to do all things that may be most

⁹ that begun

¹⁰ in other admitting the excusatory, or else in remitting both the knowledge of the fact and final decision of the cause unto this realm where it was begun, according to the old sanctions of general councils and divers of his predecessors, assents, and as he himself confesseth

in his commission given unto the cardinals for this purpose,

¹¹ now

¹² therefore

¹³ assent and

¹⁴ and other our confederates

¹⁵ briefly expediting our cause as afore is rehearsed

for the surety of his holiness and the commodity of the see Apostolic, *and also for the peace, tranquillity and public weal of all Christendom*¹⁶. And¹⁷ as touching the sending of a mandate to require that the cause might be heard in an indifferent place, with reservation of the sentence to himself, ye shall signify unto his holiness that, albeit we, well considering his toward mind for the speedy finishing of our said cause, if we were a private person would nothing mistrust to consent to his said overtures, ne the good effects that might ensue of the same, yet nevertheless this persuasion so toucheth¹⁸ the prerogative and privileges of our realm whereof we be head and sovereign, within the which by the¹⁹ laws and customs of the same all causes of matrimony there²⁰ done and solemnized, coming after in question, ought to have their original commencement and final discusse²¹ by the English church²², this privilege also be consonant to general

¹⁶ which we shall not fail to do, if he will disclose to us the means how.

¹⁷ For

¹⁸ contrary to general Councils to the liberty, regality, and jurisdiction of all princes, and most especially to our prerogative royal,

¹⁹ ancient

²⁰ begun

²¹ and discition

²² well trusting therefore that these urgent causes shall be so indifferently pondered and weighed in the balance of the Pope's judgment and heart, and also his own duty, which things well considered, he having also regard to his oath in the receipt of his dignity which he there actually giveth for observance both of the general Councils and the antique laws of the fathers of the Church, considering also with himself how we at the time of our coronation be likewise obliged both to support and maintain the immunities and princely liberties of our realm and crown, which to contrary I make myself sure his holiness well informed will never

require, since it is prohibite both by God's precept and law of nature by these words, *Quod tibi non vis fieri alteri ne facias*.

Wherefore we firmly trust that his holiness pondering and weighing in the balance of his just heart and equal judgment these most urgent both reasons and causes, with the respect of his duty to God in ministering justice and equity, and considering also the obligation which we as king (though not worthy but by his election) be bound to our realm (*silicet defendere privilegias coronæ et regni*), will not at this time think any unkindness in us though that this his request (*silicet* to send a mandate or to have it in any other place than in this realm determined) by us at this time be not accepted, for surely it so highly toucheth the prerogative royal of this realm that though I were minded to do it I yet must abstain, without the assent of our court of Parliament, which I think surely will never condesent to it; nevertheless ye may shew unto his holi-

Councils and the laudable customs of old fathers whereunto the Pope's holiness ought of good equity to take good effect.

We therefore, observing the duty of our regality whereunto we be astricted by our oath, may not honourably of our self, without express consent of our realm upon a deliberate consultation thereof, be suddenly agreeable to submit ourself immediately to any foreign jurisdiction, trusting that, all things considered, it shall manifestly appear²³ that we nor our realm have hitherto given any occasion to his holiness whereby he should be moved at the contemplation of any person to²⁴ the violation of the immunities and liberties of our realm or to bring the same in any public contention²⁵, which always hitherto hath been observed and quietly enjoyed without interruption or contradiction of the see Apostolic.

And ye shall further understand that we have received by certain letters lately sent unto us by the said Sir Gregory de Cassalis, that the Pope's holiness, amongst other persuasions in the furtherance of our cause, shewed unto him that the lawyers being of the contrary part of our cause, do agree that the Pope in our cause may not dispense without an urgent cause; which opinion his holiness thinketh much more doth advance the goodness of our matter than the general opinion

ness that for this offer we ascribe none unkindness to him but rather take it in good part, considering that by his ambassador we do perceive that his mind was to gratify and do pleasure herein to us, this overture proceeding upon Gregory's motion wherein to speak of that sort I ensure you of us he had none commission but rather to the contrary, and so we will you shew the Pope, assuring further his holiness that we be right sorry that this overture was no more reasonable or consonant to our honour, for surely in all reasonable things we would gladly shew ourself benivolent to him as long as we perceive any manner of gratuite in him.

²³ and furthermore ye may say that we think

²⁴ attempt the violation of

²⁵ whereby he may compel us in the maintenance of them to shew and declare many things peradventure it unknown, prejudicial and hurtful to the Papal dignity as it is now used, which not compelled we intend not to do. Yet another great reason as we think you may shew his holiness is to be gathered out of his own law, which is this: being a common person am not I bounden *in re ardua* (as this is) to appear in his court, and I being not bounden to appear am not bound to send a *proxtour*, wherefore his own law sheweth evidently that this matter ought not to be determined by his court, but *per Anglicanam Ecclesiam* for if his court were judge I should be obliged to appear there.

of the divines and lawyers on our part, which do affirm that the Pope in no wise may dispense. Which matter being also persuaded by his holiness to the emperor, who declared that at the time of the dispensation there was extreme wars between our dearest father of noble memory, whose soul God pardon, and king Ferdinando, father to the queen, and for pacifying thereof the said dispensation was obtained, whereupon the marriage ensued which beareth the visage of an urgent cause, if it were true, as it is not. And therefore, as well for the satisfaction of the Pope's holiness in that behalf, as for a clear resolution of the doubt by his holiness proponed, whether the queen were *cognita* by our brother prince Arthur or no, our pleasure is that ye shall signify to his holiness that in the league between our said dearest father and the said Ferdinando, renewed and concluded, sealed and signed with the said king Ferdinando and the queen his wife's hands, whereupon the dispensation for the marriage between us and the queen was obtained, appeareth no manner of cause, but plainly declaring the said two princes to be then and afore more perfectly established, united, and confederate in friendship and amity than any other princes of Christendom, setteth forth the cause of the dispensation and agreement for the said marriage, to be only for continuance and augmentation of their said amity, and for the virtuous modesty and other qualities of the queen; in which league is also plainly mentioned and expressed, in two places thereof, that the marriage between our said brother and her was solemnized and perfectly consummate, whereby and by the depositions of a great number of noble and honourable personages which heretofore by their oaths have been examined upon the same, manifestly and plainly appeareth to all indifferent hearers without doubt thereof that the queen was carnally known by our said brother prince Arthur, and the same dispensation so proceeding without urgent cause to be reputed *invalida*, the transcript of which league authentically transumed we send unto you herewith to the intent ye may the better perceive the effect of the same. {

And finally, ye shall further signify to his holiness that of the good success of this our cause, dependeth the surety of our succession, and thereupon ensueth the rest, peace and

tranquillity of all our realm, and by the protracting thereof many perilous dangers may and is like to ensue to the same, which above all things we and our realm ought to have respect unto. Wherefore it is more convenient and consonant to reason and equity that this our said cause should be determined by them to whose damage or commodity the success of the cause may ensue, and not by his holiness which can have no certain knowledge of the state of the same. And yet nevertheless if his holiness, remitting the final discuss of the principal cause to our English Church, as appertaineth, and after that of his gratuity ratify and confirm such sentence as they shall determine in the same, shall thereby not only acquire Christen obedience of us and our people, much to his commodity and contentation, and also profitable to the see Apostolic, but also pacify the contradiction to the rest and quietness of all Christendom. Willing you by these and other discreet persuasions as ye can with all diligence and dexterity to allure his holiness, being now somewhat attempered and disposed to do us good, to condescend to more benevolent gratuities than as yet is set forth by the said overtures, and to ascertain us with all diligence and celerity what towardness ye shall perceive in him in this behalf, not minding that ye shall declare this as our resolute answer, but upon other and further overtures and after more deliberation and consultation upon these weighty causes, we will study and ensearch by all laudable ways and means that we can, to concur with the towardly mind of his holiness, if he earnestly will apply himself and persevere in such opinion as may be for the acceleration of the end of our said cause. Willing you with all diligence and dexterity to put your good endeavour to the same, and likewise to procure the said Sir Gregory according to our expectation in that behalf.

Number CCCXXVI.

An account of the proceedings in Convocation from the 26th of March, 1533, to its prorogation.

Wilkins'
Concilia
III. 756.

Convocatio prælatorum et cleri provinciæ Cantuariensis continuata ad 26. diem mensis Martii, in ecclesiâ S. Pauli London. Ex reg. convoc. et excerptis Heylin.

TOTA hujus anni synodus consumebatur in tractatu de divortio inter regem Henricum et reginam Catharinam.

Primo die (26 Martii) habita fuit communicatio de examinatione magistri Hugonis Latymer, et de confessione, et submissione, et subscriptione ejus certis articulis factâ de purgatorio, de veneratione sanctorum, de peregrinatione ad imagines sanctorum, contra quos ille in villâ Bristollia contra promissum suum prædicâsse dicebatur; ubi decretum fuit, quod hujusmodi submitio in eâ parte facta, et manu suâ subscripta mitteretur ad aliquem probum et doctum virum in partibus illis, ubi idem Latymer prædicâsse asserebatur, aut prædicare contigerit in futurum.

Eodem die dominus præses convocationis regium beneplacitum proposuit de opinionibus, sententiâ, et determinatione quæstionis agitata inter regem et reginam. Hæc ut eo facilius a synodo obtineret, præsentavit quosdam libros, continentes, ut asseruit, dicta et depositiones testium productorum et examinerum in dictâ causâ, una cum quodam instrumento tractatûs inter Henricum VII et Ferdinandum Hispaniæ regem plumbo sigillato, ac alio instrumento confecto super transumptione cujusdam brevis apostolici, causam prædictam concernentis, ad quos pro informatione eorum evolvendos hortabatur. His subjunxit publice et aperte legendo sententias, decreta, et determinationes (in quodam libro impresso comprehensa) quarundam universitatum in partibus transmarinis dictam causam concernentia, quorum originalia se illis osten-

surum promittebat. Tunc quæstio vertebatur, an liceret disputare in negotio regio, eo quod negotium pendebat coram summo pontifice indecisum; et dominus præses respondebat ostendendo quoddam instrumentum confectum super transumptione cujusdam brevis apostolici, in quo inter alia continebatur, quod *summus pontifex voluit unumquemque declarare mentem suam et opiniones suas in dictâ causâ libere et impune*. Et insuper tunc dictus præses instanter, et ex parte regis rogavit, et requisivit reverendos dominos episcopos, confratres suos, et alios prælatos, necnon clerum tunc præsentem, tam theologos quam juristas, quatenus diligenter volverent et inspicerent libros illos super præmissis, et quod cum celeritate, quâ commode poterint, referrent quid inde sentirent.

In proximâ sessione (Mart. 28) dominus præses episcopus Londoniensis produxit instrumenta originalia sub sigillis universitatum Parisiensis, Aurelianensis, Bononiensis, Patavinæ, Bituricensis, et Tholosanæ, quæ publice perlegi jussit. Deinde post multas et longas disputationes de causâ prædictâ factas, præses requisivit prælatos, ut ipsi dicerent suas opiniones de et super quæstione iis prius et tunc propositâ ad normam et formam determinationis facultatis theologicæ Parisiensis, comprehendentis effectum determinationis aliarum universitatum, et hoc quam citius commode poterit. Nonnulli autem prælatorum æstimantes quæstionem esse valde arduam, magnique momenti, petierunt tempus deliberandi, quod communi consensu ad horam 4. pomeridianam protraheretur. Ibi ex instrumento Parisiensi dominus præses proposuit hanc quæstionem :

An nuptiæ cum relictis fratrum decedentium sine liberis sint sic naturali jure pariter et divino prohibitæ, ut super talibus matrimoniis contractis sive contrahendis summus pontifex dispensare non posset?

Ad illam quidem quæstionem post nonnullas disputationes, episcopi *Londoniensis, Assavensis, et Lincolnensis*, cum 36. abbatibus et prioribus respondebant, opiniones suas super quæstionem hujusmodi conformes esse determinationibus universitatum prædictarum.

In sequenti sessione (Mart. 29) rursus disputatum est de quæstione prædictâ, cui abbates *Gloucestriæ, Thorney, Bermondsey, Vallæcrucis, Crolandiæ, et Lilshul* respondebant

priori determinationi assentientes, hoc addendo; ‘*si dicta relicta prius erat carnaliter cognita a fratre mortuo.*’

Ultimo die Martii commissio episcopis *Londoniensi, Wintoniensi, et Lincolnensi*, ab archiepiscopo facta exhibebatur, et convocatio in primum diem Aprilis continuabatur, ubi reverendissimus comparens in domo capitulari, diversas habuit communicationes de et super rebus ac negotiis causam dictæ convocationis concernentibus. Sequenti die reverendissimus convocavit inferiorem domum, ut audiret eorum opiniones de quæstione, viz. ‘*An ducere liceret uxorem cognitam a fratre decedente sine prole, et an sit prohibitio juris divini indispensabilis a papâ?*’

Et affirmavit prolocutor, tunc et ibidem ex opinionibus et sententiis majoris partis theologorum, casum quæstionis prædictæ de jure divino esse indispensablem; cui, juxta schedulam Willielmi Say, registrarii, 14. consenserunt; 7. illud negaverunt, et unus dubitavit, et unus affirmavit casum esse juris divini et moralis, sed dispensabilem.

Sequenti die (April 3.) prolocutor cum clero exhibuit episcopo Londoniensi præsidi opiniones canonistarum super sequenti quæstione, viz.:

‘*An carnalis copula inter serenissimum principem Arthurum et serenissimam dominam Catharinam ex propositis, exhibitis, deductis, et allegatis in domo inferiori, sit sufficienter probata?*’ quod scilicet carnalis copula inter prædictas illustrissimas personas sufficienter probata extitit; et ita uno ore et omnium illorum consensu determinabant, salvo quibusdam ex iis protestationibus quibuscunque coram reverendissimo Cantuariensi archiepiscopo in domo superiore exhibendis. Eodem hoc die Dominus Wolman prolocutor ægrotus existens, magistrum Fox, archidiaconum Leicestriæ et magistrum Bell, archidiaconum Gloucestriæ consensu domus superioris in suum substituit locum.

Sequenti die (Aprilis 4.) episcopi *Wintoniensis et Exoniensis* expresse consenserunt conclusioni canonistarum; sed episcopus *Bathoniensis et Wellensis* dissentit. Quinto die Aprilis reverendissimus cum magistro Fox, prolocutore, habuit communicationem de computo reddendo de subsidio regio. Deinde statim comparuit Johannes Tregunwell, LL.D. consiliarius regis, et ex parte et nomine dicti illustrissimi principis, et nobilium,

ac procerum hujus sui regni allegavit, quod quædam quæstiones dictum dominum nostrum regem et exonerationem conscientiae illius concernentes, in hâc convocatione propositæ fuerunt, ut assertiones et opiniones prælatorum, et cleri in hâc convocatione præsentium desuper haberentur; et quod dictus illustrissimus rex ex fide dignorum relatione accepit, quod hujusmodi assertiones et opiniones tam prælatorum quam cleri sunt apud acta hujus convocationis declarata, et ideo ex parte regis requirebat, quatenus ipse dignaretur mandare et præcipere notariis hujus convocationis acta originalia, in eâdem convocatione facta et habita scrutari, ac de et super compertis in iisdem unum vel plura, instrumentum vel instrumenta, de et super opinionibus et assertionibus prælatorum et cleri, quoad quæstiones in hâc convocatione propositas, demandaret conficere, et in publicam formam redigere, quod et factum est.

Deinde post continuationem convocationis de die 7. ad 8. Aprilis, breve regium exhibebatur reverendissimo per Dominum Clayborne, de prorogandâ convocatione ad 7. Junii. Deinde intravit domum capitularem magister Fox cum clero, qui petierunt computum fieri; ad quam petitionem reverendissimus decrevit computum fieri per episcopum Londoniensem. Per aliud deinde breve regium convocatio ad 4. Novembris, et ab eo die ad 30. Januarii fuit prorogata: et sic per varias alias prorogationes convocatio continuabatur usque ad ultimam diem Martii anni sequentis.

Number CCCXXVII.

Copy of the Determination of the Province of Canterbury on the two questions in debate as to the King's marriage.

Rymer
xiv. p. 454.
ex auto-
grapho.

Determinationis prælatorum et cleri Cantuariensis provincie in convocatione de duabus quæstionibus instrumentum publicum.

IN Dei nomine, Amen.

Per præsentis publici instrumenti seriem cunctis, et præsertim invictissimo, metuendissimo, ac potentissimo principi et domino nostro supremo, Henrico octavo, Dei gratiâ Angliæ et Franciæ regi, fidei defensori, et domino Hiberniæ illustrissimo, cæterisque sui regni nobilibus et proceribus appareat evidenter, et sit notum, quod anno Domini M.D.XXXIII. indictione sextâ, pontificatûs sanctissimi in Christo patris et domini nostri, domini Clementis, divinâ providentiâ illius nominis papæ septimi, anno decimo, mensis vero Aprilis die quinto, in domo capitulari ecclesiæ cathedralis divi Pauli Londoniæ, in notariorum nostrûm publicorum et testium inferius nominatorum præsentis, coram reverendissimo in Christo patre et domino, domino Thomâ, permissione divinâ Cantuariensi archiepiscopo, totius Angliæ primate, et apostolicæ sedis legato, prælatisque et clero provinciæ Cantuariensis, tunc et ibidem in convocatione prælatorum et cleri dictæ Cantuariensis provinciæ, in prædictâ domo capitulari congregatis, et personaliter præsentibus, comparuit personaliter egregius vir, magister Johannes Tregunwell, legis doctor, a consiliis dicti domini nostri regis, ac nomine ejusdem nobiliumque et procerum dicti regni Angliæ eundem reverendissimum patrem ad mandatum illius illustrissimi principis, ut asseruit, requisivit, quatenus nobis, notariis publicis infrascriptis, mandaret et præciperet, quod acta originalia in eâdem convocatione habita et facta scrutaremur, et instrumentum vel instrumenta unum vel plura publicum seu

publica, de et super compertis in actis originalibus ejusdem convocationis de et super assertionibus et opinionibus dictorum prælatorum et cleri quoad quæstiones infrascriptas conficeremus.

Ad cujus petitionem dictus reverendissimus pater, dominus Thomas, Cantuariensis archiepiscopus, juxta et secundum requisitionem, ex parte ejusdem invictissimi principis, et dictorum nobilium et procerum, ut præfertur, factam, nobis notariis publicis subscriptis mandavit et præcepit in prælatorum et cleri ejusdem convocationis tunc et ibidem existentium præsentia, nemine eorum reluctante, dissentiente, aut contradicente, quatenus acta originalia hujusmodi diligenter et fideliter scrutaremur, ac de et super compertis in eisdem actis originalibus unum vel plura, publicum seu publica instrumentum sive instrumenta conficeremus.

Quare nos notarii publici subscripti mandatis dicti reverendissimi patris obtemperare volentes, acta originalia in dictâ convocatione nobis præsentibus habita et facta scrutavimus, et per illud scrutinium comperimus et invenimus, quod nuper in dictâ convocatione provinciali prælatorum et cleri provincie Cantuariensis, in domo capitulari ecclesie cathedralis divi Pauli Londoniæ prænominatâ, quinto die mensis Novembris, anno Domini M.D.XXIX. inchoatâ, et de diebus in dies hactenus continuatâ et prorogatâ, propositæ fuerunt duæ quæstiones; quarum unius decisio et determinatio spectat ad theologos, alterius vero ad canonistas et jurisconsultos, ut prælati et clerus antedicti easdem quæstiones cum maturâ deliberatione pro veritate in hâc parte eruendâ et habendâ, quatenus ad eorum facultates respective attineret, diligenter examinarent, et opiniones suas, quid ipsi de et super eisdem sentirent, ostenderent et declararent.

Prima vero quæstio ad theologos pertinens talis est;

‘An ducere uxorem cognitam a fratre decedente sine prole, sit prohibitio juris divini indispensabilis a papa?’

Ad quam post nonnulla argumenta et disputationes hinc inde per prælatos et clerum prædictos diversis et separatis diebus habita et facta, prælati et clerus antedictus, existentes theologi in numero sexaginta sex, personaliter tunc et ibidem præsentibus, habentes etiam procuratoria episcoporum, abbatum, et aliorum prælatorum, ac clericorum absentium ad numerum

centum nonaginta septem quibusdam in numero novemdecim duntaxat exceptis, asseruerunt, casum hujusmodi de jurè divino esse indispensabilem per papam, prout ex actis originalibus in registro dictæ convocationis remanentibus plenius liquet.

Secunda vero quæstio ad canonistas et jurisconsultos pertinens est hæc ;

‘An carnalis copula inter illustrissimum principem Arthurum et serenissimam dominam Catharinam reginam, ex propositis, exhibitis, deductis, et allegatis sit sufficienter probata?’

Ad quam prælati et clerus, canonistæ et jurisconsulti personaliter in dictâ convocatione præsentis, et numerum quadraginta quatuor facientes, quorum unus etiam habuit procuratoria pro tribus episcopis tunc absentibus, quinque aut sex duntaxat exceptis, affirmârunt se sentire, ex propositis et exhibitis coram eis in convocatione prædictâ, carnalem copulam inter dictum illustrissimum principem Arthurum et serenissimam dominam Catharinam fuisse, et esse sufficienter probatam.

Prout ex actis originalibus in eâdem convocatione, et nobis notariis publicis subscriptis præsentibus habitis et factis manifeste liquet et apparet.

Super quibus omnibus et singulis prædictus egregius vir magister Johannes Tregunwell, nomine, quo supra, nos notarios publicos subscriptos, unum vel plura, publicum seu publica instrumentum sive instrumenta exinde conficere requisivit.

Acta fuerunt hæc omnia et singula, prout suprascriptur et recitantur, sub anno Domini, indictione, pontificatu, mense, die, et loco prædictis. Præsentibus tunc ibidem magistris Willielmo Bretteyn, utriusque juris, et Johanne Barbour, legum doctoribus, testibus ad præmissa vocatis specialiter, et rogatis.

Et ego Willielmus Potkyn, clericus Cantuariensis diœcesis, publicus auctoritate apostolicâ notarius, quia requisitioni et petitioni dicti egregii viri magistri Johannis Tregunwell, supradictique reverendissimi patris mandato et præcepto, necnon actorum originalium, de quibus superius fit mentio, scrutinio, cæterisque præmissis, dum sic, ut præmittitur, sub anno Domini, indictione, pontificatu, mense, die, et loco prædictis age-

bantur, et fiebant, una cum prænominatis testibus, qui tempore requisitionis et petitionis præsentes fuerunt, præsens personaliter interfui, eaque omnia et singula sic fieri vidi, audivi, et inactitavi; ideo hoc præsens publicum instrumentum manu alterius, me aliunde occupato, scriptum, exindeque confectum subscripsi, publicavi, et in hanc publicam formam redegi, et signo et nomine meis solitis et consuetis signavi, rogatus et requisitus in fidem et testimonium præmissorum.

Et ego Johannes Heryng, Herefordensis diœcesis, auctoritate apostolicâ notarius, quia requisitioni et petitioni dicti egregii viri magistri Johannis Tregunwell, supradictique reverendissimi patris mandato et præcepto, necnon actorum originalium, de quibus superius fit mentio, scrutinio, cæterisque præmissis, dum sic, ut præmittitur, etc.

Et ego Thomas Argall, Wintoniensis diœcesis, publicus auctoritate apostolicâ notarius, quia, etc.

*Nomina Theologorum utriusque domûs in propriis personis
comparentium die et anno supradictis.*

- Johannes Episcopus Londoniensis.
- Johannes Episcopus Lincolnensis.
- Henricus Episcopus Assaphensis.
- Georgius Episcopus Landaffensis.
- Thomas Abbas de Fordâ.
- Johannes Abbas de Boxley.
- Robertus Abbas de Bermondseye.
- Thomas Prior de Spalding.
- Gervasius Prior de Dunstable.
- 10 Willielmus Abbas de Stratford.
- Johannes Abbas de Tavestocke.
- Willielmus Abbas de Clivâ.
- Robertus Abbas Sancti Albani.
- Johannes Abbas de Waverly.
- Robertus Prior Sanctæ Catherinæ Lincoln.
- Willielmus Abbas Sancti Petri Gloucestriæ.

- Willielmus Abbas de Hulmo.
 Robertus Abbas de Waltham.
 Johannes Prior de Newenham.
 20 Johannes Abbas de Titchfield.
 Ricardus Abbas de West Derham.
 Johannes Abbas de Bury Sancti Edmundi.
 Johannes Prior de Merton.
 Johannes Abbas de Hydâ.
 Johannes [Abbas] de Burgo Sancti Petri.
 Robertus Abbas de Thorney.
 Thomas Prior de Coventry.
 Robertus Prior de Lewis.
 Ricardus Prior de Horton.
 30 Thomas Abbas de Norton.
 Robertus Abbas de Walden.
 Rogerus Prior de Ealsinge Spittle.
 Robertus Abbas de Lilleshull.
 Franciscus Prior de Sancti Andreæ Northampt.
 Johannes Prior de Anglesey.
 Robertus Abbas de Valle Crucis.
 Henricus Abbas de Graciis.
 Ricardus Abbas de Nottely.
 Willielmus Prior de Brymmore.
 40 Johannes Abbas de Bileigh.
 Thomas Abbas de Burton.
 Robertus Abbas de Thomâ.
 Laurentius Prior Roffensis.
 Johannes Abbas de Croyland.
 Johannes Abbas de Chertesey.
 Anthonius Abbas de Evesham.
 Ricardus Abbas de Winchecombe.
 Robertus Prior [Ecclesiæ Cathedralis] Eliensis.
 Ricardus Prior de Walsingham.
 50 Willielmus Prior Sancti Gregorii Cant.
 Hugo Abbas de Reading.
 Ricardus Tresham.
 Ricardus Croke.
 [Edvardus] Leighton.
 Cheesewright.
 Robertus Carter.

Ricardus Cooren.	Robertus Sherton.
Robertus Wakefield.	Ricardus Fetherston.
Willielmus Buckemyster.	Edvardus Powel.
60 Idem Willielmus.	Nicolaus Metcalfe.
Edvardus Fox.	70 Gilbertus Smith.
Robertus Aldrich.	Thomas Wadelowe.
Johannes Booth.	Ricardus Ducke.
Simon Mathew.	Thomas Baugh.
Nicholaus Wilson.	74 Thomas Godericke.

*Nomina Theologorum, viz. Episcoporum, Abbatum, Priorum
et Clericorum comparentium per Procuratores.*

Per Johannem Episcopum Lincoln.

Ricardus Episcopus Norvicensis.
Nicholaus Episcopus Eliensis.
Laurentius Episcopus Sarum.
Ricardus Episcopus Menevensis.

Per Johannem Episcopum London.

Carolus Episcopus Herefordensis.

Per Abbatem de Waltham.

Johannes Prior de Wilmington.
Galfridus Prior de Dunmore.
Ricardus Prior de Hatfield Regis.
Johannes Abbas Sanctæ Osythæ.
10 Willielmus Prior de Southwicke.
Willielmus Prior de Mottesfont.
Ricardus Abbas de Glaston.
Johannes Abbas de Keynsham.
Willielmus Prior de Taunton.
Johannes Prior de Berwich.
Johannes Abbas de Oseney.
Galfridus Prior de Ulvescroft.
Johannes Prior de Laundâ.
Nicholaus Prior de Barnewell.
20 Thomas Prior de Buttely.
Robertus Prior de Penteney.
Willielmus Prior de Westacre.
Thomas Prior Sanctæ Trinitatis Gippovici.

Per Abbatem de Waltham.

- Henricus Prior de Woodbridge.
Willielmus Prior de Herringfleet.
Ricardus Prior de Beston.
Johannes Abbas de Hertland.
Johannes Prior de Plympton.
Ricardus Prior de Ederoso alias Ivechurch.
30 Thomas Abbas de Darley.
Willielmus Abbas de Roucester.
Thomas Prior de Erdbury.
Johannes Prior Sancti Thomæ juxta Staff.
Thomas Prior de Renton.
Johannes Prior de Gresely.
Robertus Prior de Burslough.
Johannes Abbas de Cirencester.
Willielmus Abbas Sancti Augustini Bristolli.
Stephanus Abbas de Hales.
40 Ricardus Prior de Lanthony.
Thomas Prior de Michelham.
Thomas Prior de Hastings.
Johannes Abbas de Wigmore.
Griffinus Abbas de Carmerden.
Johannes Abbas de Ossulstone.
Prior de Merton.

Per Abbatem de Graciis juxta Turrim London.

- Thomas Prior de Folkeston.
Johannes Abbas de Tiltey.
Thomas Abbas de Letley.
Willielmus Abbas de Quarera.
50 Ricardus Abbas de Kirkested.
Georgius Abbas de Parco ludo.
Henricus Abbas de Valle Dei.
Johannes Abbas de Rivesby.
Ricardus Abbas de Bruerâ.
Johannes Abbas de Regali loco.
Robertus Abbas de Salteriâ.
Robertus Abbas de Woborne.
Augustus Abbas de Wardone.
Henricus Abbas de Sibton.

Per Abbatem de Graciis juxta Turrim London.

- 60 Ricardus Abbas de Newenham.
 Johannes Abbas de Navenham.
 Johannes Abbas de Dunkeswell.
 Thomas Abbas de Byndon.
 Thomas Abbas de Stanley.
 Thomas Abbas de Dieulacres.
 Oliverus Abbas de Cumbâ.
 Willielmus Abbas de Mirâ Valle.
 Stephanus Abbas de Buildwas.
 Willielmus Abbas de Kingswood.
 70 Thomas Abbas de Ponte Roberti.
 Johannes Abbas de Dorâ.
 Johannes Abbas de Flaxley.
 Nicholaus Abbas de Basingwerke.
 Ludovicus Abbas de Kymer.
 Morganus Abbas de Lauterham.
 Thomas Abbas de Garadon.

Per Abbatem de Bermondsey.

- Willielmus Prior Ecclesiæ Cathedralis Bathon.
 Capitulum ejusdem Ecclesiæ.
 Robertus Abbas de Monte Acuto.
 80 Thomas Prior de Castle Acre.
 Thomas Prior Sanctæ Mar. Mag. Sarum.
 Ricardus Prior de Tutbury.
 Thomas Prior Majoris Malverne.
 Johannes Prior de Wenlocke.

Per Priorem de Dunstable.

- Robertus Prior Sancti Germani.
 Thomas Prior de Frithelstocke.

Per Abbatem de Stratford.

- Willielmus Abbas de Cockeshall.
 Johannes Abbas de Buckefast.
 Johannes Abbas de Valle Regali.
 90 Christophorus Abbas de Cumbermere.
 Johannes Abbas de Hilton.
 Thomas Abbas de Stonely.

Per Abbatem de Stratford.

Galfridus Abbas de Conwey.
Johannes Abbas de Borderly.

Per Abbatem de Tavestocke.

Henricus Prior Ecclesiæ Cathedralis Winton.
Capitulum ejusdem Ecclesiæ.

Per Priorem de Newenham.

Thomas Prior de Elsham.
Georgius Prior de Thorneholm.
Johannes Abbas de Thorneton Curtis.
100 Johannes Abbas de Wellowe.
Robertus Prior de Bissemede.

Per Abbatem Sancti Albani.

Eligius Abbas de Wymondham.
Lancelotus Prior Sanctæ Fidis de Horsham.
Johannes Prior de Bynham.
Willielmus Prior de Thetford.
Willielmus Prior de Bromholme.
Thomas Prior de Cotton.
Willielmus Prior de Hurley.
Johannes Prior de Birkehened.
110 Clemens Abbas de Evesham.

Per Abbatem Sancti Petri Glouc.

Ricardus Abbas de Malmesbury.

Per Abbatem Sancti Benedicti de Hulmo.

Thomas Abbas de Muchilney.
Willielmus Prior Ecclesiæ Cath. Norwic.
Capitulum ejusdem Ecclesiæ.
Willielmus Prior de Eyâ.
Johannes Prior de Ingham.
Thomas Abbas de Salop.

Per Abbatem de Croyland.

Johannes Abbas de Bourne.

Per Abbatem de Thame.

- Willielmus Prior de Kirkeby.
 120 Thomas Prior de Caldewell.
 Thomas Abbas de Pipewell.
 Johannes Abbas de Bitlesden.
 Thomas Abbas de Croxden.
 Johannes Abbas de Whalley.

Per Abbatem de Burgo Sancti Petri.

Johannes Abbas de Ramsey.

Per Abbatem de Tytchfield.

- Thomas Abbas Sanctæ Radegundæ.
 Willielmus Abbas de Langdon.
 Mattheus Abbas de Barling.
 Johannes Abbas de Tupholme.
 130 Ricardus Abbas de Newbee.
 Robertus Abbas de Sulby.
 Georgius Abbas de Leyston.
 Thomas Abbas de Wenlinge.
 Simon Abbas de Torre.
 Johannes Abbas de Bello Capite.
 Johannes Abbas de Dalâ.
 Willielmus Abbas de Hailes Owen.
 Johannes Abbas de Dureford.

Per Abbatem de Westderham.

- Elias Abbas de Croxton.
 140 Robertus Abbas de Newson.
 Robertus Abbas de Langely.
 Georgius Prior de Shelbrode.
 Rodericus Abbas de Talley.

Per Priorem de Merton.

- Johannes Prior de Novo loco.
 Johannes Prior de Twyneham.
 Walter Prior Sancti Dyonsii juxta Cuth^t.
 Johannes Abbas de Bruton.
 Ricardus Abbas de Pratis Leicester.
 Johannes Prior de Buckenham.

Per Priorem de Merton.

- 150 Robertus Prior de Hickelinge.
 Johannes Prior de Coxford.
 Henricus Prior de Hempton.
 Robertus Prior de Lanceston.
 Thomas Prior de Bodmyne.
 Thomas Prior de Tywardereth.
 Ricardus Prior de Bustlesham.
 Willielmus Prior de Bradstocke.
 Ricardus Prior de Mayden Bradley.

Per Abbatem de Hydâ.

- Thomas Abbas de Haughmond.
 160 Willielmus Abbas de Kenelworth.
 Willielmus Prior de Stowe.
 Willielmus Prior de Mackestocke.
 Thomas Prior de Trentham.
 Johannes Prior de Repingdon.
 Willielmus Prior de Wembrige.
 Johannes Prior de Stodely.
 Robertus Prior de Hardham.
 Robertus Prior de Wormesley.
 Johannes Abbas Sancti Aug. Cant.
 170 Johannes Prior de Feversham.
 Johannes Prior Sancti Martini Dover.
 Thomas Abbas Sancti Johannis Colcester.
 Willielmus Abbas de Bardeney.
 Willielmus Abbas de Abbots Bury.
 Thomas Abbas de Abyndon.
 Johannes Abbas de Milton.
 Petrus Prior de Holand.
 Johannes Abbas de Werburge Cestr.
 Johannes Abbas de Tewkesbury.
 180 Johannes Prior de Minore Malvorne.
 Johannes Abbas de Bello.

Per Abbatem de Ensham.

Thomas Prior de Wroxton.

Per Abbatem de Notely.

Radolphus Prior de Kyme.
 Johannes Abbas Sancti Jacobi juxta Northt.

Per Abbatem de Notely.

- Thomas Prior de Chawcombe.
 Johannes Abbas de Missenden.
 Johannes Prior de Sancto Neoto.
 Hugo Prior Canonorum Huntingdon.
 Edmundus Prior de Stoneley.
 190 Thomas Ratcliffe magister de Burton Sancti Lazari.
 Ricardus Prior de Ashby Canon.
 Willielmus Prior de Burcester.

Per Abbatem de Reding.

- Johannes Abbas de Shirbourne.
 Johannes Rector de Edington.
 Johannes Abbas de Pershore.

Per Willielmum Buckmyster.

- Edwardus Fynch et Arthurus Wilter.
 197 Johannes Lountley, Arthurus Cardigan.

Numerus Theologorum prædictorum comparentium, viz.

<i>In propriis personis suis</i>	.	.	.	.	75
<i>Et per procuratores suos</i>	.	.	.	.	197
					<hr/>
<i>In toto</i>	.	.	.	.	272
<i>Ex his quæstionem prædictam affirmantium</i>	.				253
<i>Non affirmantium duntaxat</i>	.	.	.		19

*Quorum nomina sequuntur.**Personaliter præsentēs.*

Non Affirmantes.

- Johannes Episcopus Roffensis.
 Georgius Episcopus Landaffensis.
 Richardus Abbas de Winchecombe.
 Robertus Prior Ecclesiæ Cath. Eliensis.
 Ricardus Prior de Walsingham.
 Willielmus Prior S. Gregorii Cantuar.
 Hugo Abbas de Reding.
 Nicholaus Willson.
 Robertus Sherton.

Non Affirmantes.

- 10 Richardus Fetherstone.
 Edwardus Powell.
 Nicholaus Metcalfe.
 Gilbertus Smith.
 Thomas Wadelowe.
 Richardus Ducke.
 Thomas Baugh.

Per procuratorem suum Abbatem de Reading.

Non Affirmantes.

- Johannes Abbas de Sherebourne.
 Johannes Rector de Edington.
 19 Johannes Abbas de Parshore.

Nomina Canonistarum et Jurisconsultorum in propriis personis suis comparentium.

- | | |
|--|--------------------------|
| Stephanus Episcopus Wintoniensis. | Thomas Berewood. |
| Johannes Episcopus Exoniensis. | Thomas Roncorne. |
| Johannes Episcopus Bathon. et Wellensis. | Lupton. |
| Ricardus Woolman. | Johannes Underhill. |
| Willielmus Fleshmonger. | Johannes Leffe. |
| Gamaliel Clifton. | Elizeus Bodely. |
| Georgius Hennage. | Johannes Incent. |
| Willielmus Knight. | Thomas Thureby. |
| Johannes Bell. | 30 Thomas Bagard. |
| 10 Rolandus Lee. | Leonardus Savile. |
| Thomas Bedell. | Robertus Bysse. |
| Willielmus Clyff. | Willielmus Rivet. |
| Ricardus Rawson. | Ricardus Roberts. |
| Willielmus Boleyn. | Johannes Oliver. |
| Robertus Awdely. | Arthurus Buckely. |
| Willielmus Clerburgh. | Henricus Morgan. |
| Polidorus Vergilius. | Johannes Raine. |
| Georgius Wyndham. | Radulphus Sneade. |
| Thomas Newton. | 40 Adam Travers. |
| 20 David Pole. | Petrus Ligham. |
| Ricardus Strerey. | Ricardus Harrison. |
| | Robertus Clyff. |
| | 44 Laurentius Woodcocke. |

Nomina Jurisconsultorum absentium et per procuratorem comparentium, viz. per Stephanum Episcopum Wintoniensem.

Robertus Episcopus Cicestrensis.

Thomas Episcopus Bangorensis.

Hieronimus Episcopus Wigorniensis.

Numerus Canonistarum et Jurisconsultorum prædictorum comparentium, viz.

<i>In propriis personis suis</i>	. . . . .	44
<i>Et per procuratores suos tres</i>	. . . . .	3
		<hr/>
<i>In toto</i>	. . . . .	47

Ex his quæstionem ad ipsos spectantem affirmantium 41

Non affirmantium sex 6

Quorum nomina sequuntur.

Non Affirmantes.

Johannes Episcopus Bathon.	Ricardus Harrison.
et Wellensis.	Robertus Clyff.
Adam Travers.	Laurentius Woodcocke.
Petrus Ligham.	

Numerus totalis omnium comparentium tam

per se quam procuratores	. . . . .	319
Ex his affirmantes pro Rege	. . . . .	294
Non affirmantes	. . . . .	25. ²⁷

²⁷ This document was first printed in 1701 by Atterbury in the Appendix to his 'Rights, Powers and Privileges of an English Convocation,' p. 508. It afterwards appeared in Rymer's *Fœdera*, tom. xiv. p. 484, in the year 1712, from which it was copied into Wilkins' *Concilia*, vol. iii. p. 757. None of these copies contained the names of the members of Convocation which were first published appended to the document in 1724 by Fiddes in the *Collections* at the end of his *Life of Wolsey*, p. 195. The Records of Convocation are destroyed, and the original from which Rymer printed *ex autogr.* has not been found by the editor. All the printed

copies have been collated, but they presented no material variations of reading. The names are evidently not from the autographs, as is evident from their form. In some few cases there were errors perhaps of printing, but more frequently blunders of transcribing, owing to the writer not being able to read the copy from which he wrote. These have been corrected by a comparison with other signatures of the same individuals, or by reference to Dugdale's *Monasticon Anglicanum*. The names of the 19 Divines and 6 Canonists who opposed the king were printed in 1693 by Wharton in Anthony Harmer's 'Specimen of Errors,' p. 195.

Number CCCXXVIII.

Statutes iii. ‘ *An Act that the appeals in such cases as have been used to*
 p. 427. ‘ *be forwarded to the See of Rome shall not be from hence-*
 ‘ *forth had ne used but within this realm.*

The pre-eminence, power, and authority of the King of England. ‘ WHERE by divers sundry old authentic histories and
 ‘ chronicles, it is manifestly declared and expressed, that this
 ‘ realm of England is an empire, and so hath been accepted in
 ‘ the world, governed by one supreme head and king, having
 ‘ the dignity and royal estate of the imperial crown of the
 ‘ same; unto whom a body politic, compact of all sorts and
 ‘ degrees of people, divided in terms, and by names of spiritu-
 ‘ alty and temporalty, ben bounden and owen to bear, next
 ‘ to God, a natural and humble obedience; he being also
 ‘ institute and furnished, by the goodness and sufferance of
 ‘ Almighty God, with plenary, whole, and entire power, pre-
 ‘ eminence, authority, prerogative and jurisdiction, to render
 ‘ and yield justice, and final determination to all manner of
 ‘ folk, reseauntes, or subjects within this his realm, in all causes,
 ‘ matters, debates and contentions happening to occur, in-
 ‘ surge, or begin within the limits thereof, without restraint
 ‘ or provocation to any foreign princes or potentates of the
 The power, learning and wisdom of the body spiritual. ‘ world; the body spiritual whereof having power, when any
 ‘ cause of the law divine happened to come in question, or of
 ‘ spiritual learning, then it was declared, interpreted, and
 ‘ shewed by that part of the said body politic, called the spiritu-
 ‘ alty, now being usually called the English Church, which
 ‘ always hath been reputed, and also found of that sort, that
 ‘ both for knowledge, integrity, and sufficiency of number, it
 ‘ hath been always thought, and is also at this hour, sufficient
 ‘ and meet of itself, without the intermeddling of any exterior
 ‘ person or persons, to declare and determine all such doubts,
 ‘ and to administer all such offices and duties, as to their rooms
 ‘ spiritual doth appertain; for the due administration whereof,
 ‘ and to keep them from corruption and sinister affection, the

‘ king’s most noble progenitors and the antecessors of the nobles
 ‘ of this realm have sufficiently endowed the said Church, both
 ‘ with honour and possessions; and the laws temporal, for
 ‘ trial of proprietie of lands and goods, and for the conservation
 ‘ of the people of this realm in unity and peace, without ravyn
 ‘ or spoil, was and yet is administered, adjudged, and executed
 ‘ by sundry judges and ministers of the other part of the said
 ‘ body politic, called the temporality; and both their authori-
 ‘ ties and jurisdictions do conjoin together in the due adminis-
 ‘ tration of justice, the one to help the other.

Power, &c.
of the tem-
poralty.

‘ II. And whereas the king’s most noble progenitors and
 ‘ the nobility and commons of this said realm, at divers and
 ‘ sundry parliaments, as well in the time of King Edward the
 ‘ First, Edward the Third, Richard the Second, Henry the
 ‘ Fourth, and other noble kings of this realm, made sundry
 ‘ ordinances, laws, statutes, and provisions for the entire and
 ‘ sure conservation of the prerogatives, liberties and pre-emi-
 ‘ nences of the said imperial crown of this realm, and of the
 ‘ jurisdictions, spiritual and temporal of the same, to keep it
 ‘ from the annoyance as well of the See of Rome as from the
 ‘ authority of other sovereign potentates attempting the dimi-
 ‘ nution or violation thereof, as often, and from time to time,
 ‘ as any such annoyance or attempt might be known or espied:
 ‘ And notwithstanding the said good statutes and ordinances
 ‘ made in the time of the king’s most noble progenitors, in
 ‘ preservation of the authority and prerogative of the said
 ‘ imperial crown, as is aforesaid; yet, nevertheless, sythen the
 ‘ making of the said good statutes and ordinances, divers and
 ‘ sundry inconveniences and dangers, not provided for plainly
 ‘ by the said former acts, statutes and ordinances, have arisen
 ‘ and sprung by reason of appeals sued out of this realm to
 ‘ the See of Rome in causes testamentary, causes of matri-
 ‘ mony and divorces, right of tithes, oblations and obventions,
 ‘ not only to the great inquietation, vexation, trouble, costs
 ‘ and charges of the king’s highness, and many of his subjects
 ‘ and reseauntes in this his realm, but also to the great delay
 ‘ and lette to the true and speedy determination of the said
 ‘ causes, for so much as the parties appealing to the said Court
 ‘ of Rome most commonly do the same for the delay of justice.
 ‘ And forasmuch as the great distance of way is so far out of

Laws and
provisions
by former
Kings,
Edward I.
and III.,
Richard II.
and
Henry IV.
against
intrusions
of the See
of Rome.

Appeals
to Rome
and the
evils
thereof.

All testa-
mentary
and matri-
monial
causes, and
all suits for
tithes, ob-
lations, &c.
shall be
adjudged
by the
king's
courts
spiritual
and tem-
poral ;
without
any regard
to any
process of
foreign
jurisdic-
tion, or
any inhi-
bition, ex-
communi-
cation, or
interdict,
&c.

' this realm, so that the necessary proofs, nor the true know-
' ledge of the cause, can neither there be so well known, ne
' the witnesses there so well examined, as within this realm,
' so that the parties grieved by means of the said appeals be
' most times without remedy : ' In consideration whereof the
king's highness, his nobles, and commons, considering the
great enormities, dangers, long delays and hurts that as well
to his highness as to his said nobles, subjects, commons, and
reseautes of this his realm, in the said causes testamentary,
causes of matrimony and divorces, tithes, oblations and obven-
tions, do daily ensue, doth therefore by his royal assent,
and by the assent of the Lords Spiritual and Temporal and
the Commons in this present Parliament assembled, and
by authority of the same, enact, establish and ordain, That
all causes testamentary, causes of matrimony and divorces,
rights of tithes, oblations and obventions (the knowledge
whereof by the goodness of princes of this realm, and by the
laws and customs of the same, appertaineth to the spiritual
jurisdiction of this realm) already commenced, moved, de-
pending, being, happening, or hereafter coming in contention,
debate or question within this realm, or within any the king's
dominions, or marches of the same, or elsewhere, whether
they concern the king our sovereign lord, his heirs and suc-
cessors, or any other subjects or reseautes within the same,
of what degree soever they be, shall be from henceforth heard,
examined, discussed, clearly, finally, and definitively adjudged
and determined within the king's jurisdiction and authority,
and not elsewhere, in such courts spiritual and temporal of
the same, as the natures, conditions, and qualities of the causes
and matters aforesaid in contention, or hereafter happening
in contention, shall require, without having any respect to any
custom, use, or sufferance, in hindrance, lette, or prejudice of
the same, or to any other thing used or suffered to the con-
trary thereof by any other manner person or persons in
any manner of wise ; any foreign inhibitions, appeals, sen-
tences, summons, citations, suspensions, interdictions, excom-
munications, restraints, judgments, or any other process or
impediments, of what natures, names, qualities, or conditions
soever they be, from the See of Rome, or any other foreign
courts or potentates of the world, or from and out of this

realm, or any other the king's dominions, or marches of the same, to the See of Rome, or to any other foreign courts or potentates, to the lette or impediment thereof in any wise notwithstanding. And that it shall be lawful to the king our sovereign lord, and to his heirs and successors, and to all other subjects or reseauntes within this realm, or within any of the king's dominions, or marches of the same, notwithstanding that hereafter it should happen any excommengement, excommunications, interdictions, citations, or any other censures or foreign process out of any outward parts, to be fulminated, provulged, declared, or put in execution within this said realm, or in any other place or places, for any of the causes before rehearsed, in prejudice, derogation, or contempt of this said Act, and the very true meaning and execution thereof, may and shall nevertheless as well pursue, execute, have and enjoy the effects, profits, benefits and commodities of all such processes, sentences, judgments and determinations done, or hereafter to be done, in any the said courts spiritual or temporal, as the cases shall require, within the limits, power and authority of this the king's said realm, and dominions and marches of the same, and those only, and none other, to take place, and to be firmly observed and obeyed within the same.

As also, that all the spiritual prelates, pastors, ministers and curates within this realm, and the dominions of the same, shall and may use, minister, execute and do, or cause to be used, executed, ministered and done, all sacraments, sacramentals, divine services, and all other things within the said realm and dominions, unto all the subjects of the same, as Catholic and Christian men owen to do; any former citations, processes, inhibitions, suspensions, interdictions, excommunications, or appeals, for or touching the causes aforesaid, from or to the See of Rome, or any other foreign prince or foreign courts, to the lette or contrary thereof in any wise notwithstanding.

Prelates and clergy shall administer the sacraments and service of the Church notwithstanding such interdicts, &c. on penalty of one year's imprisonment.

III. And if any of the said spiritual persons, by the occasion of the said fulminations of any of the same interdictions, censures, inhibitions, excommunications, appeals, suspensions, summons, or other foreign citations for the causes beforesaid, or for any of them, do at any time hereafter refuse to minister, or to cause to be ministered, the said sacraments and

sacramentals, and other divine services, in form as is aforesaid, shall for every such time or times that they or any of them do refuse so to do, or to cause to be done, have one year's imprisonment, and to make fine and ransom at the king's pleasure.

Persons
procuring
process,
appeals,
sentences,
&c. from
or to the
See of
Rome,
shall incur
the penal-
ties of
premunire
under St.
16 Ric. II.
c. 5.

IV. And it is further enacted by the authority aforesaid, That if any person or persons inhabiting or reseaute within this realm, or within any of the king's said dominions, or marches of the same, or any other person or persons, of what estate, condition or degree soever he or they be, at any time hereafter, for or in any the causes aforesaid, do attempt, move, purchase, or procure, from or to the See of Rome, or from or to any other foreign court or courts out of this realm, any manner foreign process, inhibitions, appeals, sentences, summons, citations, suspensions, interdictions, excommunications, restraints, or judgments, of what nature, kind or quality soever they may be, or execute any of the same process, or do any act or acts to the lette, impediment, hindrance or derogation of any process, sentence, judgment or determination had, made, done, or hereafter to be had, done or made, in any courts of this realm, or the king's said dominions, or marches of the same, for any of the causes aforesaid, contrary to the true meaning of this present Act, and the execution of the same, that then every such person or persons so doing, and their fautors, comforters, abettors, procurers, executors, and counsellors, and every of them, being convicte of the same, for every such default shall incur and run in the same pains, penalties and forfeitures, ordained and provided by the Statute of Provision and *Præmunire*, made in the sixteenth year of the reign of the right noble prince King Richard the Second, against such as attempt, procure, or make provision to the See of Rome, or elsewhere, for any thing or things, to the derogation, or contrary to the prerogative or jurisdiction of the crown and dignity of this realm.

Appeals
hereafter
shall be
made
within the
realm;
viz. from
Archdea-
cons to the
Bishops;

V. And furthermore, in eschewing the said great enormities, inquietations, delays, charges and expences hereafter to be sustained in pursuing of such appeals and foreign process, for and concerning the causes aforesaid, or any of them, do therefore by authority aforesaid, ordain and enact, That in such cases where heretofore any of the king's subjects or

reseantes have used to pursue, provoke, or procure any appeal to the See of Rome, and in all other cases of appeals, in or for any of the causes aforesaid, they may and shall from henceforth take, have and use their appeals within this realm, and not elsewhere, in manner and form as hereafter ensueth, and not otherwise; that is to say, first from the archdeacon, or his official, if the matter or cause be ~~there~~ begun, to the bishop diocesan of the said see, if in case any of the parties be grieved.

VI. And like wise if it be commenced before the bishop diocesan, or his commissary, ^{from the Bishops to the Arch-bishops;} within fifteen days next ensuing the judgment or sentence thereof there given, to the Archbishop of the province of Caunterburye, if it be within his province; and if it be within the province of Yorke, then to the Archbishop of Yorke; and so likewise to all other archbishops in other the king's dominions, as the case by the order of justice shall require; and there to be definitively and finally ordered, decreed, and adjudged, according to justice, without any other appellation or provocation to any other person or persons, court or courts.

VII. And if the matter or contention for any of the causes ^{from Arch-deacons to the Arches' Court, and thence to the Arch-bishop.} aforesaid be or shall be commenced, by any of the king's subjects or reseantes, before the archdeacon of any archbishop, or his commissary, then the party grieved shall or may take his appeal within fifteen days next after judgment or sentence there given, to the Court of the Arches or Audience of the same archbishop or archbishops; and from the said Court of the Arches or Audience within fifteen days then next ensuing after judgment or sentence there given, to the archbishop of the same province, there to be definitively and finally determined, without any other or further process or appeal thereupon to be had or sued.

VIII. And it is further enacted by the authority aforesaid, ^{No appeal from Arch-bishops;} That all and every matter, cause and contention now depending, or that hereafter shall be commenced by any of the king's subjects or resiautes for any of the causes aforesaid, before any of the said archbishops, that then the same matter or matters, contention or contentions, shall be before the same archbishop where the said matter, cause or process shall be so

saving for
the prero-
gative of
the Arch-
bishop of
Canter-
bury.

Appeals
in cases
touching
the king
shall be
made to
the Upper
House of
Convoca-
tion.

commenced, definitively determined, decreed, or adjudged, without any other appeal, provocation, or any other foreign process out of this realm, to be sued to the let or derogation of the said judgment, sentence or decree, otherwise than is by this Act limited and appointed; saving always the prerogative of the Archbishop and Church of Caunterburye, in all the foresaid cases of appeals, to him and to his successors, to be sued within this realm, in such and like wise as they have been accustomed and used to as heretofore.

IX. And in case any cause, matter or contention now depending for the causes before rehearsed, or any of them, or that hereafter shall come in contention for any of the same causes, in any of the foresaid courts, which hath, doth, shall or may touch the king, his heirs or successors, kings of this realm; that in all and every such case or cases the party grieved, as before is said, shall or may appeal from any of the said courts of this realm, where the said matter, now being in contention, or hereafter shall come in contention, touching the king, his heirs or successors (as is aforesaid), shall happen to be ventilate, commenced or begun, to the spiritual prelates and other abbots and priors of the Upper House, assembled and convocate by the king's writ in the Convocation being, or next ensuing, within the province or provinces where the same matter of contention is or shall be begun; so that every such appeal be taken by the party grieved within fifteen days next after the judgment or sentence thereupon given or to be given; and that whatsoever be done, or shall be done and affirmed, determined, decreed and adjudged by the foresaid prelates, abbots and priors of the Upper House of the said Convocation, as is aforesaid, appertaining, concerning, or belonging to the king, his heirs and successors, in any of these foresaid causes of appeals, shall stand and be taken for a final decree, sentence, judgment, definition and determination, and the same matter, so determined, never after to come in question and debate, to be examined in any other court or courts.

Persons
appealing
contrary to
this Act
shall incur
penalties

X. And if it shall happen any person or persons hereafter to pursue or provoke any appeal contrary to the effect of this Act, or refuse to obey, execute and observe all things comprised within the same, concerning the said appeals, provoca-

tions and other foreign processes to be sued out of this realm, <sup>of premu-
nure under</sup> for any the causes aforesaid, that then every such person or ^{St. 16 Ric.} persons so doing, refusing, or offending contrary to the true ^{II. c. 5.} meaning of this Act, their procurers, fautors, advocates, counsellors, and abettors, and every of them, shall incur into the pains, forfeitures and penalties ordained and provided in the said Statute made in the said sixteenth year of King Richard the Second, and with like process to be made against the said offenders, as in the same Statute made in the said sixteenth year more plainly appeareth ^{28.}

²⁸ This Act was repealed by an Act passed in the first and second years of Philip and Mary, cap. 8, entitled 'An Act repealing all statutes, articles, and provisions made against the See Apostolic of Rome, since the 20th year of King Henry the Eighth; and also for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity.' It was revived in the first year of Elizabeth, cap. 1, by 'An Act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual, and abolishing all foreign power repugnant to the same.'

Number CCCXXIX.

Accusation brought against a priest named Jackson of having charged the King with adultery committed with Anne Boleyn and Lady Boleyn. March, 1533.

Record
Office.

CERTAIN Articles deposed against Sir Thomas Jakson, Chantree priest of Chepax, for certain words spoken by him maliciously against our sovereign lord the king and the queen's grace by John Kepar and Bryan Banke of the said town, which things also they have confessed before Mr. William Fairfax, Esquire, Sheriff of the county of Yorke :

First. The said Chantry Priest said that the king's grace had lived before this his marriage lawfully made with the queen's grace, not after the laws of God, but in adultery with her grace and so doth now still continue, putting away from him his lawful wife.

Item, He said maliciously that the king's grace should first kepe the mother and after the daughter, and now he hath married her whom he kept afore and her mother also, upon which words we presented the said priest unto the sheriff aforesaid, upon which presentment the said priest was attached with all his goods, and the said John Kepar and Brian Banke were by the said sheriff made to bind themselves to come hither and present the same to the king's grace counsel ; which they have now done, most meekly desiring to be at your pleasure demitted, for they be poor men, and to lye long here should be to them great hindrance.

Which thing to be true the said John Kepar and Brian Banke will stand by at all times and have bounden themselves before the sheriff by their hands and seals.

Endorsed—

Certain Articles deposed against Sir Thomas Jakson
priest.

Number CCCXXX.

Copy of a letter from Henry VIII to a French bishop exhorting him to excite the French King against the Pope ; written April 20th, 1533.

HENRY the 8 to a Bishop in France to persuade the King of [France to break] with the Pope for breaking his promise with Henry the 8 and the [giving] sentence against Hen 8, in the cause of Divorce. Vitell.
B. xiii.
fol. 173.

Reverend father in God, We have received your [letters of the . . .] and 7th of April, for the which, and also for [the travail] and dexterity whereof ye have used, and for the most [welcome report] that ye make unto us by your letters of your perpetu[al amity] which of good will we do accept, We thank y[ou heartily and] affectuously. Praying you that whereas your dili[gence in] the solicitation that might be done could not tourn [the bishop] of Rome nor the see (that called himself) aposto[lic nor move] them that they in our great cause and matter, should not usurp judgment, and to give sentence inciville, inique against the Justice of our present matrimony. Wh[ich thing being] done against God's law ; thinking thereby only to con-ty[nue] entertayne always their usurped Jurisdiction as much as was in their power, displeasure and not only to us and to you that have taken so m[uch pains] and labor to put them and reduce in the good way unto them the pytt wherein they were about to o themselves ; but also to the contempt and mesp[rision of our ally] and best beloved brother the king your master, that hath prayed and advised them.

Notwithstanding [sithence now] (as ye write) they be ashamed and repentant because all their deeds be but dissimulation and hypocrisy and th[ey cannot now] redoubte the same that they have marred. And th

not perceive in them any puissance, strength, fidelity
 wherein any trust might be had, but that, rather to [the con-
 trary], they have given manifest cause to all the world [to
 suspect] them, specially to us and our good brother w[ho]
 [also is] highly touched in this case. Ye our

fol. 173 b.
 and diligence upon the reception of these presents (as we think
 ye shall have already begun) inculcate to the king our good
 brother, the manner and fashion whereof they have abused
 against us; not only proceeding to take the knowledge of that
 wherein they have no jurisdiction, but also therein to give
 sentence unadvisately and against God. Soliciting and per-
 suading him as reason and the truth is that, for his honour
 and yours, which by his sending have taken so much labour;
 and [also for the fraternal amity and union between us and
 our said good brother that he wyll ressent hym and take to
 his lively heart the injury which the said bishop and syee of
 Rome have done unto us, and to the weal, profit and honour
 of him and all his royaume; he will relinquish and forsake
 the alliance that he hath or may have with the said bishop;
 whose puissance is so weak that they cannot redress the same
 that they have misdona; and who will now say that he hath
 been constrained, against his will, to give sentence against us,
 contrary to the law of God, as he himself can and knoweth well.

fol. 174. The surplus of the reasons that shall conduce to the per-
 suasion which we pray you to do thereupon to the king our
 good brother, we remit it to your good [discreti]on which can
 well amplate and deduce them to that purpose; hoping well
 that ye will [not be] slack therein and likewise to
 do to our well-beloved [brother, and] the great master and the
 admiral and to such oth[er as ye shall] think good and ex-
 pedient. Wherein ye shall [perform the] office of a good
 counsellor, that loveth the ho[nor,] weal of his
 master of all the realm and and to us
 pleasure right agreeable; which [we shall] not fail with other
 precedents to knowledge a[ccording to your] desire. Thus
 reverend father in God and our lord have
 you in his blessed keeping. Wr[itten at] our manor of
 Grenewiche the 20th of Ap[ril.]

Number CCCXXXI.

Original letter, in Bonner's hand, from Carne and Bonner to the King alluding to the Breve of the 15th of November, 1532; written May 5th, 1533.

PLEASETH it your highness to be advertized that having knowledge of a brief monitory pretended to have come from the Pope, and granted privily by the same at the importune sute of the emperialles the 15th day of November last past, whereof we did not a little marvel; and after that your highness' ambassador, Mr. Benett, according to his instructions, very diligently and with good dexterity practised with the Pope as well to search whether such things were passed in deed, as also (the same so being) to labor as of himself by all good means and persuasions as might be most for the contentation of your highness' desire and pleasure for redress thereof, we, receiving copy thereof and studying diligently the same, perceived divers notable errors therein, which briefly drawn out and afterwards in most secret manner conferring with your highness' learned counsel here, it appeared the same to be such that they could not be in law justified and maintained, the copy whereof your highness shall receive herewithal. Record Office.

And after that, according to the order given by the Pope, which referred himself always to the law in this behalf, and said that if it could be shewed the foresaid brief to be granted against the law, he would reform it, we informed the Cardinales de Monte and Campegius (appointed to take information of us therein), and so clearly in the judgment of your highness' learned counsel and other indifferent, that it was impossible in law to avoid the same.

Nevertheless upon diverse advices and relations which came to the Pope from thence during the information, such information (date whereof was taken the 9th day of the last as of a thing fully intended of all likelihood to have succeeded) was and is as yet differred. And we therefore be as yet uncertain

what the Pope will do therein or otherwise. Albeit, Syre, if the Pope shall, in the same or otherwise, attempt or do any thing prejudicial to your highness, we shall according to your highness' pleasure, and as is our most bounden duty, set forth and do all things that we can excogitate or devise possible with learning, study, diligence and otherwise to the uttermost. And thus most humbly we recommend us unto your highness, beseeching Almighty God long to preserve the same in much good health.

At Rome the 5th day of May, 1533.

Your highness' most humble subjects
and poor servants,

EDWARD KARNE,

EDMOND BONER.

Number CCCXXXII.

Holograph letter from Bedell to Cromwell, detailing the proceedings at the opening of the Court at Dunstable, May 10, 1533.

IN my most hearty wise I commend me to you, doing you Vitell.
to understand that this day after noon my lord of Caunterbury ^{B. xiv.} fol. 64 b.
began his process in the king's great matter, whereat were
present my lord of Wynchester and my lord of Lyncoln. The
late queen appeared not by herself ne by her procurator,
whereupon she was declared *contumax*; and it was declared
that further process shall be made in pain of her contumacy.
Here were looked-for witnesses to prove such words as the
late queen spake at the time of the execution of the citation
against her, as Master Brian and other, whose presence
might have done much good for divers causes. Also it was
looked for that my old lady of Northfolk and my lady Guild-
ford should have been here this day which can very well
depose in this matter. Also here should have lakked the
king's grace protestation being, as I understand, in my lord
Chauncellor's hands, if some had not been ready to make a
new.

But I trust that these lakkes notwithstanding, the king's
grace's great matter, shall proceed according to the king's
expectation. If the said ladies might be here at nine of
the clock on Wednesday next, they should do much go[od]
in the said cause. It may please you to remember [that] the
censures of the universities and the answers of cunning men
touching the said cause be sent hither in as m[uch s]pede
as may be, and also the instrument of the opin[ion of] the
convocation. All things be here very quiet, as far as I can
understand little communication is of [com]ing here.
And at the sitting of my lord [of C]aunterbury this day, few
or almost none were presen[t at] the place of judgment, but
such as came thither ause with their lords and

masters. And I assure y[ou that] such as be here at the king's grace's comman[d] r diligent and studious to do the best the satisfying of the king's grace's pleasure as is, as knoweth God who preserve you. Fro[m Dunstable] the 10th day of May.

[After this letter] was written, I was spoken unto by my lord [of Canterbury and] other of the king's grace's council here to move se Master Doctor Legh to be here on Wen[sday] other citation.

Ever yours,

THOMAS BE[DYLL].

Folded, sealed, and endorsed—

To the right wor-
shipful master Crom-
well one the king's
grace most hono-
rable counsell my singu-
ler frende.

Number CCCXXXIII.

Holograph letter from Bedell to Cromwell, written May 17, 1533, describing the method of procedure which was to take place on that day.

AFTER my most hearty commendations according to . . . Otho, c. x.
 accepted and approved by your last letters, I send ^{fol. 165.}
 unto y[ou an account] of the third coort in the
 great matter of the king's high[ness] by which
 ye may perceiue how the cause goeth forw[ard] the
 said third coort-day was yesterday the 16th day [of May].
 And this day, the 17th of the same month, these shal[l be
 the acts]

First my lord of Caunterbury according to the direct[ions
 given] for that day, shall demand of the king's grace pro-
 curato[r that if] he have anything conducing to the said cause
 he shal[l produce] it. And also shall enquire, if any will pur-
 pose any[thing in] behalf of the lady Katerine, concerning
 the said ma[trimony] Secondly, he shall take
 into his hands all such w[ritings as he] hath at the acts or
 else shall be brought in that day to cause, and
 shall exhibit them and purpose them o
 And thirdly, shall admonish the king's grace's procur[ator to
 appear] the 23rd day of this month, that shall be on Fri[day
 next], here and see the sentence given in the said c[ause].
 And on] Friday, by the grace of God, sentence shall be given
 to the contentation of Almighty God and to the
 honor of conscience of the king's grace's
 majesty. And I t[rust th]at night next coming to see you
 at home at your [house] Not being letted by the
 rogation days, the se[ntence should have been]
 given sooner by three or four days.

From Duns[table the 17th] day of May.

Your [own]

[THOMAS BEDYLL].

Number CCCXXXIV.

Bedell's letter to Cromwell sent with the account of proceedings in the Court up to the 17th of May; written May 23rd, 1533.

Otho, c. x.
fol. 166 b. I SEND unto you the acts of the 17th day of May, and so now ye have all the acts made in this cause except the acts of this day, mentioning the giving of the sentence. I send unto you also here enclosed the copy of the articles upon whom my lord of Caunterbury hath made process and the answers of the king's grace procurator to the said articles received without oath. Item, I send unto you a very copy of the sentence, collationat with the original, of which things ye may perceive the process and diffinition of the said cause. And because percase the king's highness will be desirous to see what answer was made in his name by his procurator, and will also desire to see the very sentence *in formd*; therefore I have sent unto you the said answers and sentence, that (if it shall please you) ye may shew them to the king's grace, if ye shall think it expedient. I think the sentence will please the kings' grace very well, for in very deed it is much better now than it was when it was first devised, and ye know who emended it very singularly.

From Dunstaple the 23th day of May.

By your own THOM[AS]

[BEDYLL].

Number CCCXXXV.

*Copy of Croke's accusations against Sir Gregory Cassali
and his brother John.*

ARTICLES against Sir Gregory Cassalis and his brother, ^{Record} which shall be perceived partly with their own letters, partly ^{Office.} with the letters of divers other men of good and substantial credence.

In primis.—Whereas the king's case was proposed *tacitis nominibus* by Franciscus Crucinus unto the most excellent doctors of Myllayne, and they all have concluded and promised to write in defence, favor and confirmation of the same, Sir Gregory Cassalis, advertised by the Bishop of Worcester of the great success of the king's cause in Myllayne, opened unto certain noblemen, long-ing unto the Duke of Myllayne, that the case pertained unto the King of Englande, in such wise that they all were afraid any farther to intermeddle in the same.

Item.—The said Sir Gregory delivered the king's book made and written in Englande, in defence of his most honorable cause, to divers the king's enemies, which wrote against the same.

Item.—The said Sir Gregory delivered unto a black friar, called Vincentius de Cremona, which friar caused the determination of Ferrare to be taken from me, an abstract of all the arguments and counsels made in confirmation of the king's causes, as it appeareth, to solicit men to write against the same.

Item.—After that the determination of Ferrare was taken from me, Paulus Cassalis came in his brother's name to Ferrare and promised the duke's factor there that he would by his good labor bring to pass that the King should take no displeasure with the Duke of Ferrare for that matter. Also, Jhon de Cassalis, at my first coming to Venice, delivered unto me a false index of Saint Mark's

Library, because that I should not search there for Basilius' epistle.

Item.—The said Jhon exhorted Simonetus, ordinary in divinity at Padua, to suppress the subscriptions gotten by the said Simonetus of divers doctors and well learned men. And so writ unto my lord of London that he could nothing further the king's cause, forasmuch as the same had been evil handled and divulged unto so many. And herein he desired Symonetus in his letters to my lord of London to take him for witness.

Item.—The said Jhon to divulge the said cause and put men in fear to say their minds in the same, caused the king's case in the king's name to be printed, and sent them abroad into Lombardy.

Item.—The said Jhon at divers and sundry time brought unto my lord of London and me, divers the king's enemies, pretending that they were the king's sure friends, and such as after wrote against the king very odiously, slanderously.

Number CCCXXXVI.

Imperfect letter from Sir Gregory Cassali defending the conduct of his brother the protonotary at Venice. Probably written in May, 1533.

. Regiis negotiis gessisse, fratremque illum Francis-
cum Georgium, et [alios quibus] Crocus utebatur, malignos, per-
fidus et fraudulentos esse, [una cum] fratre meo condemnari
contentus sum. Et si Majestas sua non [velit mihi fidem]
habere, interrogentur omnes illi Angli qui Venetiis et [Bononiæ
erant,] quique cum Croco quotidie versabantur. Illorum re-
lationib[us credat].

Vitell.
B. xiii.
fol. 137.

Præterea latet me penitus quam causam habuerit unquam
f[rater meus agendi] quicquam pro Pontifice: opinor tamen
illum cupere Re[giam Majestatem et] Venetos Pontifici hostes
esse. Ne illius sentiis et Censu[ræ]
quæ impræsentia emanant contra ipsum fratrem meum ut . . .
. dam privet et spoliât.

Sed quoniam de injuriis detr[imentisque] quæ nos a Ponti-
fice accepimus, et de odio quo nos prosequi[tur, sæpius] dixi-
mus, et nihilominus Regia Majestas dicit, sibi fuisse aliquam
suspicionem] nos Pontificis amicos esse, et propterea de nobis
suspici[ari suspi]cio hujusmodi nobis maximi sit
detrimenti, nihilque boni Regia [Majestas]
Illam humillime supplicamus, ut velit super his veritatem
[inquirere], præsertim quum nihil sit facilius. Nam si virum
aliquem [fide dignum] miserit in Italiam, reperiet, num sint
publicæ et notoriæ [famæ] gravamina, et injustitiæ, quibus a
Pontifice affecti sumus, [et an] amore nos prosequatur, et an
quicquam nobis dederit an

Hæc enim in facto cognosci possunt: Reperiet etiam
. Bona uxoris meæ injustissime detineat, et an
. dederit, an potius monasterium abs[tu-
lerit] patruelis

fol. 137 b. pollebamus. Reperiet præterea an ditiores an pauperiores simus [quam antea] fuerimus, quum Regiæ Majestati inservire cœpimus. Hæc quoque in facto sunt; [neque] penitus ignota doctoribus Karne et Bonar. Reperiet denique [omnino fal]sum esse id quod domino Crumveli relatum fuit, dominum scilicet Hieronymum [Pre]videllum fuisse pluribus et maximis dignitatibus a Pontifice [orn]atum, eumque in Cardinalem creaturum. Reperiet, inquam, relationem hujusmodi falsam esse. Bononiæ enim in foro idem Previdellus fuit pugione occisus. Nec contra homicidam a gubernatore Bononiæ pro tanto scelere al non secus ac si canis occisus. Morte tamen tanti viri, tan[ti no]minis et famæ, non solum Bononia, sed universa Italia sane dolu[it. Si igi]tur hisce modis a Majestate Regiâ veritatem indagari cognovero, nil aliu[d qui]dem ab eâ petam; ut id igitur faciat eam humillime et vehementissime [precor] atque oro.

Number CCCXXXVII.

*Imperfect copy of part of the Articles of the Process before
Cranmer at the Court at Dunstable, May, 1533.*

INPRIMIS, quod dicta serenissima domina Katherina et
claræ memoriæ Arthurus perhennis famæ, Henrici septimi
nuper regis Angliæ primogenitus, matrimonium verum, pu-
rum et legitimum, per verba de præsentī ad id apta, mutuum
eorum consensum hinc inde exprimentia, ad invicem legitime
contraxerunt, ac illud in facie ecclesiæ inter se ut moris esset
solennizari fecerunt, et carnali copulâ inter eos postmodum
subsequutâ consummârunt; necnon ut vir et uxor toto et
omni tempore vitæ dicti claræ memoriæ Arthuri a tempore
dicti matrimonii solennizati, invicem cohabitârunt, atque pro
conjugibus legitimis communiter habiti, nominati et reputati
fuerunt. Hæcque fuerunt et sunt vera, publica, manifesta et
notoria; ac de et super eisdem laborârunt et laborant publica
vox et fama, ac objicimus et ministramus eis præmissa con-
junctim ac divisim et de quolibet.

Ex collect.
B. Twyne.
tom. 2.
fol. 57.

Item, quod dictus illustrissimus princeps, Henricus Octavus
et præfatus claræ memoriæ Arthurus, dum ambo in humanis
agerent, fuerunt fratres naturales et legitimi, ex eisdem pa-
rentibus geniti, et procreati, ac pro talibus et ut tales commu-
niter habiti, nominati et reputati palam, publice et notorie;
hæcque fuerunt et sunt vera, publica, manifesta et notoria;
ac de et super eisdem laborârunt et laborant publica vox et
fama, ac objicimus et ministramus eis hæc conjunctim et divi-
sim ac de quolibet ut supra.

Item, quod præfato claræ memoriæ Arthuro, sicut altissimo
placuit, vitâ functo, prælibatus illustrissimus princeps, Henricus
Octavus et memorata serenissima domina, Katherina matri-
monium de facto ad invicem contraxerunt, ac illud in facie
ecclesiæ solennizari fecerunt, et carnali copulâ postmodum
consummârunt, prolesque exinde suscitârunt. Hæcque fuerunt
et sunt vera, publica, manifesta et notoria, ac de et super

eisdem laborârunt et laborant publica vox et fama, ac objicimus et ministramus eis præmissa conjunctim ac divisim ac de quolibet ut supra.

Item, quod prædictus illustrissimus princeps, Henricus Octavus et præfata serenissima Domina, Katherina fuerunt et sunt nostræ Cantuariensis provinciæ et nostræ Jurisdictionis in hâc parte. Hæcque fuerunt et sunt vera, publica, manifesta et notoria, ac de et super eisdem laborârunt et laborant publica vox et fama ac objicimus et ministramus ut supra.

Number CCCXXXVIII.

*Copy of a letter from Osiander to Cranmer, Archbishop
Elect of Canterbury, on the delay of his book De Incestis
Nuptiis; written January 24th, 1533.*

GRACE and peace from God the Father and our Lord
Jesu Ch[rist].

Otho. C. x.
folio 162.

The cause that I have so seldom written unto you, and not [so] tymely as I ought to do, hath been not for lack of mate[r, as] it chanceth oftymes, but for certain suspicions which [have] troubled me sore. For it chanced when I was about [to put] forth my book *De Incestis Nuptiis*, our high conseill h[ad] the matter in deliberation; whereupon at their desire to [hear] mine opinion, I declared it with almost the same self words [in which] the same matter was treated in the book. After that, they [issued] a prohibition that the same book which was printed al[ready] should not be sold, and that with as straight a command[ment as] heretike book was forbidden before. They alleged th[e reason of] that prohibition to be because it was not lawfull [for any to] publish such thing that they had afore asked mi of Counseill. But I answered precisely unto th[em in] such sort as they were ashamed and afraid. I [know] well enough there were some other causes why [they would] have the book suppressed. And, doing all that [I could] most diligently to know the same, I found that [the book] displeased them because the cause of the most England was declared by it; which they thin[k will incur] the emperor's displeasure. Therefore fearing lest tha[t] what affection I bear to the king and to you I should write unto you, they should have caus[ed then to] have been intercepted, for this cause I have a to write unto you; now that I think there is [occasion] I have thought to keep no longer silence. T the Turks gave a great overthrow to

our [army] in Hungrye. The captain of our men Ca[cian led] rashly our army into such a place as they [could get no] maner vitailles; at the which time tw (unwitting our men) joined together. Whereb[y] forsaken shamefully by Cacion their cap[tain] in the night. The next day they w[ere all slain] save a few that were taken pre[soners] threescore
 fol. 162 b. and ten great pieces of ordinance excellent which were upon whills, and 25,000 men of war or thereabouts.

The captain Cacion fearing himself desired King Fernando to give him a safe conduct to come and purge himself; and when it was offered he refused it, and desired that he might have the same safe conduct under another form than he had caused it to be made, adding a condition thereto that, in case he could not purge himself within a year, he should remain in the king's power. The king, gladly accepting that condition, gave him a safe conduct, under such words as he desired. Whereupon, when he was come to the king and could not make his sufficient purgacion, he was, whether he would or not, interroged: 'What and thou canst not purge thyself within this hole year, hast thou not promised to remain at the king's pleasure?' He could not deny it. 'Is it not then reasonable that the king have sureties that thou shalt keep thy promises?' He durst neither refuse this. Then, forasmuch as he was accused of treason, in the which crime the laws do accept none other surety than to have the body remaining in pres[on], he was by his own words with a marvellous craft entang[led;] so that, without infraction of the safe conduct granted, as [he] devised it himself, he nevertheless remaineth in prison. W[hat] shall be done of him the year passed, when the safe con[duct] shall be expired, we shall then know. These be old ne[ws] but nevertheless true. Before time this matter hath been [by] marvellous and sundry lies hyden unto the people aft as the same overthrow might be hyden. Besides these n[ews] and beside the comete which we see blasyng in the [sky] there have also be seen two swerds in the sky after [the] fashion of the swerds that the duke elector of Saxony beareth. [He hath] his armies at a town in the borders of Franken which is three days journey hence. There is now a eommon [d]isputation

what these two swerdes betoken. Some say [that they] consult secretly to drive out the King of Romaynes and to put the Elector of Saxony in his stead. Some suspect [that] there fol. 163. shall be war against the bishops because the [Elector] of Saxony hath a proces with the Bishop of Meyntz fo[r some] jurisdictions the which his predecessor which was [of the] house of Saxony did usurpe, the duke then wyn[ning] The matter hath been put in compromise; and is now [put in] hand before the arbitrors. And if the Bishop of Mey[ntz shall] refuse to obey thereto doubtless there shall be wars against him. And if the other bishops shall go ab[out to] rescue him they shall be all undone. And such a[s will] remain still in peace, yet shall they be driven out [by the] princes their neigh'ours, under color of the defence [of their] bishoprics and for to defend that other shall n[ot molest] them. Some think that the landtgrave o[f] wolld give ayde to the Duke of Geldr[es] occasion shall trouble sore the Bishop of Ley[k whom he] hateth most for some injurious words. Th brute that the said Bishop of Leyk a good wh[ile ago] called the lansgraf foule; and that he jay his mother. All these things are yet uncertain. Bu[t whatever] shall be done of those, it shall be to the detriment I think that ye took but for trifles such th[ings as] of late *De Anulo Papistico*, yet nevertheless [may I] not freely jest with you? it meaneth somew self declareth for my cardinalls have se unto me as thou seest, the which I have s and unwilling mine other enemy. I meane for it was sent to me from Bononia upon I think that Luther writeth his adnotati[ons] conseill to be set furth at the next f I will grant him 144,000 years of pardo[n] in good transquillite. The Switzers Zu opinion and retorn unto ours, with the grete J

We desire the peace between the emperor and hope it not. The book that hath been written for the one fol. 163 b. part hath moved many men here which do marvel that the emperor maketh no answer thereto. The next spring, of the which when the practises thought on at home this writer shall

begin to be open, I shall write more and more exactly, and that often, if I shall have oft matter so to do. I suspect the year shall be of sundry diverse chaunces.

Given at Nuremberg the 24th day of January.

Your fathershipps most affectuouse

ANDREAS OSIANDER.

To the Archbishop of Canterbury,
from Osiander.

Number CCCXXXIX.

The opinion of an anonymous writer on the point of Cranmer's instructing the clergy on the subject of the King's marriage and the abolition of the Papal Supremacy. June, 1533.

THERE be I think in this realm that be not in their minds full pleased and contented that our sovereign hath married as he hath done; some bearing their favour to the lady Katheryn princess dowager, some to the lady Mary, some because the Pope's authority was not therein. And for this they lay the blame alonely in some of the prelates. And albeit that the prelates have none otherwise done in this matter but as it became them and according to the very law of God; yet many of the inconstant commons be not therewith satisfied. And though they forbear to speak at large, for fear of punishment, yet they mutter together secretly; which muttering and secret grudge within this realm I think doth not a little embolden the king's adversaries without the realm. And forsomuch as this muttering and grudge is not against our most gracious sovereign lord the king; for every man seyeth that he is the most gentillest prince and of the most gentillest nature and the most upright that ever reigned among men, but only against some of the prelates and specially against the Archbishop of Canterbury; therefore I would deem it right expedient that he should shew himself to have done nothing (as he hath not in very deed) but according to the very law of God. And although the suspicion and muttering be both false and untrue, and of the people unreasonably conceived against him, yet must he endeavour himself to pluck it out of their heads, and that by loving manner. And also if the Pope be excluded out of this realm, the archbishop must be chief of all the clergy here, the which will not lightly be accepted in the people's hearts, because it hath of so long time continued otherwise, except that the people

Record
Office.

perceive themselves (by reason of the said alteration) to be in better ease than they were before. Wherefore I think it were very necessary for these considerations that the said archbishop should make out a book, not over long, to declare that it that he hath done is not only according to the law of God, but also for the great wealth and quietness of all this realm. And this book would be from him written to all the clergy of this realm; and in the said book let him exhort, in charitable wise, all the said clergy, and specially such as be in great authority, and advanced to dignity in the Church, as bishops, abbots, priors, deans, provosts, and such others, that they at length now call to their remembrance that they be not called unto those rooms and dignities for their own sakes, but for the people; not for their own ease, rest and quiet, but for the quiet, rest and ease of the people; not for their own winning and lucre, but to make the people rich and plentiful; not to the intent to eschew labour and travail, but by their labor and travail to ease the people of their burdens; not to reign in abundance of all delights and pleasures, and the people in misery, but by their temperance and sober living to help the people at the least to plenty of suffisaunce; and finally not to be served worshipfully, but for Criste's sake (like as he did) to serve others, for Wo to us (let him say) if we do not thus: and let him thunder out here and there the vehement exclamations of the prophets, and specially of Jeremie against spiritual pastours; and let him persuade the said clergy to avoid clean, all pomp, all pride, all vainglory, and specially all manner of covetousness that hath been occasion of so many evils in the Church of Criste. Let them avoid all ambition, all delicate fare, and to be ready with heart and mind to depart and dispose among the people of this realm lands, goods, money, and whatsoever other thing they now possess superfluously, and that they never hereafter seek for the riches or lordship of this world, nor shew themselves desirous of any honor in this world; but diligently to seek for the kingdom of heaven, and there to make their treasury, and clean cast away all care of this world, and let him say—

Most dear brethren in Criste, let it never be seen in us that we seek for any ease or for any pleasure, in this world, but only to joy in the cross of Criste, and in the health and

salvation of the people, both in body and soul; for this is our charge, and for this we shall give a streight account.

If you, most dear brethren, will gladly go with me this way, at my loving exhortation, ye shall greatly merit for your obedience; but in case ye will not, I will compel you by the law of God thus to do, and then ye shall lose your merit of obedience. Thus our lord Jesu Criste send us grace, both you and I to accomplish this mine intent, to the wealth of all the people both in body and soul. Amen.

I am very sure, if he would set out a little book after this tenor, though he could never bring his purpose about, yet should he by this mean greatly content the people's minds, and make them think that they be happy thus to be rydd of the Pope's oppression, and that the archbishop is a perfect and a good bishop, and that he intendeth truly according to the word of God, and that he never did anything for the prince's pleasure so much to win him promotion, as he did for the truth's sake; seeing he pretendeth to stamp under foot all pleasure, all ease, all delight of this world, and utterly give himself to travail and pain in this world; for my mind is and ever hath been that the king's highness should not be seen to be most busy to defend his most righteous cause himself, but let the clergy specially do it, and namely the archbishops. But if there be any so stubborn that he will not believe the truth, then the king's highness to punish him according to the laws in that case provided. For, I wot well, if it come to the hearing of the Pope and the emperor that the whole clergy of Englund is fully bent to defend our sovereign lord the king's cause to the very death, they will not meddle much further.

Endorsed—

Reasons to clear the Clergy for condescending to the King's second marriage and for abolishing the Pope's supremacy.

Number CCCXL.

Copy of the King's defence of his proceedings, intended for the ambassador to instruct the Emperor as to the lawfulness of the marriage with Anne Boleyn. July 6, 1533.

Record
Office.

TRUSTY and right well beloved, we greet you well.

And forasmuch as having here, as well in our high Court of Parliament, with the consent of our nobles and commons, as also by the judgment and decree of the archbishop and metropolitan of this our realm, deduced and brought our great cause to such end and perfection as we know well to be pleasant and acceptable to God, for the discharge of our conscience, and ought of congruence therefore to be agreeable to all other whomsoever it should wordly concern or touch; and have now the lady Anne to our lawful wife, whom we have not only according to the lawes of God married but also caused with the whole consent of our nobility spiritual and temporal, with the singular rejoyce of our commons, caused to be crowned and anointed as to the estate of our queen it appertaineth; we have thought good to advertise you thereof, and to instruct you also what to say to the emperor in that behalf. / Unto whom our pleasure is ye as by our special commandment open and declare our doings herein, using for an introduction and entry with further declaration of the cause as followeth:—

/Sir, the king my master, taking and reputed you as his perfect friend, confederate and ally, and not doubting but ye, remembering the mutual kindness between you in times past, will shew yourself in all occurrents to be of such mind and disposition as the justice, truth and equity doth require, hath willed me by his letters to open and declare unto you what he hath done, and in what wise he hath proceeded concerning such marriage as by many princes was supposed to have been between your aunt and his grace. /In which matter, being two principal points specially to be regarded and considered, that is to say the justice of the cause and the order of process

therein, his highness hath so used him in both as no man may righteously complain of the same.

/First, as touching the justness of the cause, that is to say, for declaration of that marriage between us and his said aunt to be nought, of no moment, ne effect, but against the law of God, nature and manner indispensable by the Pope and in no wise available. We have done therein as much as becometh us for discharge of our conscience, and have found so certain, so evident, so manifest, so open and approved truth as whereunto we ought of good congruence to give place, and which by all other ought to be allowed and received, not as a matter doubtful, disputable, or depending in question and ambiguity, but as to a plain, determined, and discussed verity of the true understanding of God's word and law, which all Christen men must follow and obey, and to all other wordly respects prefer and execute. / In attaining the knowledge whereof if we had used only our own particular judgment and sentence, or the mind only and opinion of our natural subjects, although the same might in our conscience have sufficed; yet we would not much have repugned, if some other had made difficulty to assent to us in the same till further discussion had been made thereupon. But now, forasmuch as besides our own certain understanding and the agreement of our whole clergy to the same in both provinces of our realm; we have also for us the determinations of the most famous Universities of Christendom, and most indifferent to pronounce and give judgment in this case, and among them the University of Bononye, all fear of the Pope set apart, concluding against his power, and also Padua, the Venetians' threats not regarded, giving their sentence for the truth and evident words of God's law; there should no man, as seemeth us, gainsay or withstand either in word or deed the truth thus opened, but for our honor and duty to the conservation of God's law willingly embrace and receive the same. / According whereunto we perceive also as well in our realm as elsewhere a notable consent and agreement, amongst all divines and such as have studied for knowledge of God's law, without contradiction of any number unless it be such as apply their minds to the maintenance of wordly affections, doeth in defence of such laws as they have studied or satisfaction of their private appetite, forbear to

agree unto the same. / The number of whom is so small as in the discerning of truth we ought not to regard in a case so plainly described and determined by God's word as ours is. And if percase the emperor shall say he regardeth not the number but the matter, and therefore shall say he considereth not so much who speaketh as what is spoken, ye shall then say—Sir, the king my master is of the same mind for his own satisfaction, and taketh himself to be in the right, not because so many saith it, but because he, being learned, knoweth the matter to be right. Nevertheless reason would, and enforceth also, that strangers to the cause and not parties therein should be induced to believe that to be truth that such a number of clerks do so constantly affirm, specially not being otherwise learned to be judge of these sayings, as the emperor is not, and if he were, then could you, ye may say, shew him such reasons, authorities and grounds as cannot be taken away and be so firm and stable as they ought not of Christen men in any part to be impugned. Like as hath been partly heretofore shewed by our counsel to the said emperor and should eftsones be done were it not too great an injury to that is already passed here to dispute the same again in any other country, which being contrarious to the laws and ordinances of our realm we trust the emperor will not require, but take that is past for a thing done, and justly done. And as for God's part to leave us to ourself *qui Domino nostro stamus*, and for the world to pass over as friend that nothing trusteth him. And not to marvel though we, regarding the wealth of our soul principally, with the commodity of our person and so great benefit and quiet of our realm, have percase done that he for his private fantasye would have not chanced. Like as we also would wish it had not happened that such cause was given unto us to compel us so to do. But these things ye may say in the outward visage be worldly, and inwardly touch and concern the soul. *Quid prodest homini si universum mundum lucretur, animæ vero suæ detrimentum patitur? Primum querite regnum Dei etc.*

/We know respect is to be had unto the world, and how much we have labored and travailed therein we trust we have sufficiently declared and shewed in our acts and proceedings. If we had utterly contemned the order and process of the

world or friendship and amity of the emperor, we needed not to have sent so often and sundry ambassadors to the Pope and himself, ne continued and spent our time in delays as we have done, but might many years past have done that we have now done, if it had so liked us, with as little difficulty then as now, if we would have without respect followed our pleasure in that behalf. But we doubt not, ye may say, the emperor remembereth how often we have sent unto him, and that he hath heard also what suit we have made to the Pope, and how he hath handled us again, only in delay and dalliance with open commission given to his legates to determine and give sentence for us by a Commission Decretal, and secretly to give them instructions to suspend and put over the same; by which means and other semblable we perceive plainly ourself brought in such a labyrinth as going forward that way, we were like to come to no end, and were therefore compelled to step forth right forth at once to the mase's end, thus to quiet and repose ourself at the last. /

And is it not time to have end in seven years, or else to seek for it another way? •

/The Pope hath shewed himself both unwilling [to have] an end, and also so ready and prone to do us injury as well in citing us to Rome, as also sending forth certain breves, to us slanderous, and for the injustice and iniquity of them to himself dishonorable. / As he gave us good and just cause to suspect lest any end to be made at his hand, if any he would make, might be in our conscience received and followed; for the Pope doing injury in some point, why should he be thought convenient judge, not using himself indifferently in the matter as [in] many more particularities may be shewed and declared. / So as, in this point, considering there is a general Council willing all matters to be determined where they first began, and that the whole body of our realm have for the wealth of the same by a law established the determination of such causes, by reason whereof the bishop of Canterbury as metropolitan of our realm hath given sentence in due judgment for our part; it is not to be asked ne questioned whether our matter hath been determined after the common fashion, but whether it hath in it common justice, truth and equity of God's law. / For observation of the common order we have

done that lay in us, and, enforced by necessity, have found the true order maintainable by God's word and general Councils, which we have in substance followed with effect, and have done as becometh us, tendering either God's law, our person, or the wealth of our realm. / Like as we doubt not he, as a wise prince, remembering our cause from the beginning hitherto, will of himself conclude and think that among mortal men, nothing should be immortal, and suits must once have an end, *si possis recte, si non, quocunque modo*, and if we cannot as we would, that we then do as we may. / And he that hath a journey to be perfected, must, if he cannot go one way, assay another. Whatsoever we have done, necessity hath enforced us, that is to say, God's law in the matter; and in the manner such dealing of the Pope as he hath shewed unto us, doing sundry injuries without effect of justice, when he promised the same. But as for our matter to the Pope, we shall entreat with him apart; as touching the emperor, ye may say we take him for our friend.

We will you to open these matters unto him and for your further instruction, to acquiet his mind concerning the whole process of our cause, whereby ye may be hable to dissolve all such questions as he may percase move unto you concerning the same; as well what proofs were here received, *ad probandam carnalem copulam Arthuri* as otherwise *de contumacia Catharinæ quondam Reginæ etc.* Like as by the same process ye shall perceive wherein our pleasure is ye ripe yourself, not shewing the same to the emperor as sent from us for that purpose, but only as of yourself for his better contentation if any communication between you shall so require. For else, the cause being by sentence here decided, and acts of parliament passed that it may not be entreated in any foreign place; we should not do well to give you commission to shew the process made here, thus to give occasion of contention or alteration thereupon.

Endorsed—

Instructions given to the King's ambassador with the Emperor to intimate to the said Emperor the King's marriage and coronation of Queen Anne and the consent of Parliament thereunto.

Number CCCXLI.

A passage prepared for insertion but not inserted in the instructions to the King's ambassador to the Emperor. July 6, 1533.

IF ye shall think good, the effect hereof may be inserted Record
Office.
in the instructions.

Item, a certain book (the copy whereof ye now receive) was brought in afore the two legates sitting in judgment, by the late queen's learned counsel: In which be contained divers answers to the objection then made against the Pope's bull of dispensation concerning the old marriage bytwixt the late queen and the king's grace; which answers and every one of them were read particularly and deliberately to the said late queen, and she consented and assented that they should be exhibited afore the said legates, as her said counsel doth knowledge.

Ye shall well perceive by the answers made to the 8th and 9th argument of that book, that her said counsel and she also were inevitably strained to confess and knowledge in the said answers that the marriage between Prince Arthur and her was consummate by carnal copulation; or else they must needs have granted that the said bull had been of none effect, as ye may gather of the said 8th and 9th arguments and of the answers to them. For in the bull is expressed that the Pope dispensed, upon affinity, which springeth not without carnal copulation, and no mention is made of the impediment called justice of public honesty. Wherefore, if there were no carnal copulation, by reason whereof he dispensed upon affinity, then the Pope dispensed upon nothing. And so his bull was nothing worth, and consequently for lack of a sufficient dispensation, the marriage was not good, the impediment of justice of public honesty letting the same.

Item, in the breve, whereof ye receive here a copy (the

original whereof is in the emperor's custody) it is expressed that narration was made to the Pope of the said carnal copulation, and that supplication was made to the Pope to dispense upon affinity so contracted. If the said narration or suggestion were true, then Prince Arthur knew the said late quene carnally; by reason whereof the marriage betwixt the king's grace and her is not good and never was good by the prohibition of the law of God forbidding the brother surviving to marry his dead brother's wife by him carnally known. And if the said narration or suggestion was false then the said breve is and was of none effect; for a rescript gotten upon a false suggestion is of no force.

And so the bull and the breve be of none effect, unless the lady Katherine late quene were carnally known of Prince Arthur. And so, whether she were known or not known by prince Arthur, the marriage betwixt the king's grace and her ought to be of none effect;

For, if she were not known, the bull and the breve for the causes after expressed were of none effect; and so for lack of sufficient dispensation, the marriage was not good. If she were known, the marriage was not good by the prohibition of God's law²⁹.

²⁹ Foxe has printed with tolerable accuracy 'The Oration of the King's Ambassador before the Emperor in defence of his cause.' It was probably taken from the same copy from which the instructions

have been printed in these Records. Herbert has given an analysis of it, with a reference to Foxe in the margin, and supplies the date here given, viz. July 6, 1533.

Number CCCXLII.

Instructions drawn up in June, 1533, how the Commissioners Otho, C. x.
were to deal with the Queen to get her to forego the title fol. 168.
and to submit to the King.

.....

 abhominable³⁰, execrable, and directly against the laws of God
 and nature and the laws of natural reason, was therefore law-
 fully separated and dyvorced from the said Dowager, and now
 hath, by the advice and whole consent and assent of all his
 nobles spiritual and temporal and all the commons of this his
 realm, married and espoused according to the laws of God and
 holy Church to the lady Anne, his lawful wife, who as apper-
 taineth to the estate is by the said assent anointed and crowned
 Queen of this realm.

Which being so done, his highness considering, and most
 prudently resolving, that it cannot stand with the law of God
 and man, ne with his honour, to have two Queens named
 within his realm, whereas indeed he hath but one lawful wife,
 which he hath lawfully married; and forasmuch as the said
 Dowager, notwithstanding the premises so done and accom-
 plished, as is aforesaid, doth still take upon her the nam[e]
 of Queen, and so is and will be named and call[ed] by the

³⁰ The document begins abruptly
 in the middle of a page at this word.
 Probably no complete copy exists.
 The copy in the Record Office, from

VOL. II.

which that in the Cotton Library
 was evidently made, begins at the
 top of a page in the same way, so
 that one leaf or more has been lost.

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servants and family, being all the [king's] subjects./ His highness therefore willeth [that ye] shall declare unto her that forasmuch as [his grace is] a prince of such benignity, munificence and liberality, having regard to his honor above all things, and also remembering how honorably the said Dowager hath been by long time entreated within this his realm, and so may continue if she can be content to do as she is bound; which only must proceed of the honorable, meek and humble dealing, whereby she is like rather to enlarge and augment the same her entertainment, than in any wise to diminish any part thereof; doth therefore exhort and advise her to desist and leave to arrogate and ascribe unto her that name of Queen, contenting herself with that living and name of Dowager to her limited and prescribed by Act of Parliament, with the whole assent and consent of the nobles and commons of this realm, the rather considering, all things consonant and agreeable to the said lawful matrimony to be already passed, and concluded, with the no little study, mature advisement, and good deliberation, assent and consent of all the estates spiritual and temporal of this realm.

And further ye shall say unto her that in case she will still continue in obstinacy towards the king, unto whom she is none other than subject, and will not upon your declarations, utterly refuse, renounce, and abrogate that name of Queen, she shall thereby not only declare and shew herself to be much obstinate and vainglorious in appeting and desiring the glory of that name, but also to have determined a manifest pretence of dissension to ensue thereof./ Whereby shall appear to all the world to be in her such enmity, hatred and disdain, as undoubtedly shall be a mean to evil, and take away from her as well the good hearts, zeal and affection of the people of this realm, which always hitherto have had a good opinion in her [v]ertue, meekness and humility, as also the goodness [of] the prince; considering it should appear in her bere so arrogant, vehement, and pompous, that for [the] attaining and acquiring the glory of that name [she] could be contented to suffer and desire the [dissen]sion of this realm and the succession of which being published and declared, it shall manifestly appear to remain in her a great iniquity and also much vainglory, pomp and pride, contrary to the

fol. 169.

good opinion heretofore conceived in her, of all the people of this realm.

And also ye shall say unto her that, if she, well considering and perpending this marriage betwixt the King and the Queen Anne to be already justly and lawfully passed and concluded, by the whole opinion and determinations of all the most part of most famous clerks of Christendome, as is aforesaid, can be contented to relinquish that name of Queen, and to repose herself (like a woman of that virtue and obedience towards her prince that she always hath been noted to be of) and to acquiet herself with such honorable living and also name, as unto her is now limited and prescribed as afore; the king's highness, like a prince of honor, much virtue, benignity and gentleness, will not only liberally see her endowed with all the possessions and hereditaments heretofore to her allotted by Act of Parliament, as aforesaid, and peradventure of his bounty and princely goodness and zeal towards her then enlarge and augment the same; which being by her advisedly and deliberately weighed, pondered and considered, with also the whole circumstances of the premisses; ye may say unto her that she can no less do (doing like a wise and virtuous woman) than conform herself to the same accordingly. /

And finally ye shall say unto her that if she, notwithstanding the premisses will still so contemptuously remain in that arrogancy, not conforming herself to these motions according to the king's desire and pleasure; his highness then as of force shall be constrained to divulgate, publish and openly declare his honorable and most gentle offers made unto her (the like whereof hath undoubtedly not been seen granted heretofore). So as there shall and may appear her manifest contumacy and disobedience, in that, for the attaining of a little vainglorious name and pride, she shall refuse those most honorable and gentle offers of her Prince and Sovereign. Which undoubtedly if she shall [continue] and still persist in her old opinion, shall perch[ance] be a mean, not only to relent and withdraw[e] from her the hearts and good opinions of al[l the] people of this realm, but also in such wise irritate, move, and exagitate the king's highness, being a prince of such courage, magnanimity and noble heart as he is, and may cause him to conceive some evil opinion towards her. Wherefore it shall

be good that ye, having a mere affection and zeal to the very truth of the premisses, sincerely and deeply weighing and considering the same, as to the justness and indifferency of the cause appertaineth, do effectually move, consult and persuade with the said Dowager, the rather to allect and induce her to good conformity in accomplishing the king's highness' pleasure, and commandment in this behalf, than presumptuously to contend. And in case all those persuasions cannot move her from that vain desire and appetite of glory, yet may ye say further unto her, that percase that obstinacy and presumption may so vehemently be entered into the king's head, (who is a prince of excellent wisdom) by meane his grace might so be moved, irritate and provoked against her and all hers as might be the occasion not only of her utter grief, sorrow, and displeasure, but also the undoing and confusion of her whole family and servants; so as if there were none other cause to withdraw and relent her vehement arrogancy, stomach and courage in this behalf, yet were this an urgent and singular occasion to persuade and allure her unto the same rather than to suffer her family and faithful servants which of long time have spent their life and goods in her service to be now by her ungentle means and contemptuous dealing, utterly abject and destroyed; and chiefly above all to have regard to her honorable and most dear daughter the lady Princess, from whom percase the king's highness (being thus enforced, exagitate and moved by the unkindness of the Dowager) might also withdraw [hi]s princely estimation, goodness, zeal, and affection [to] her no little regret, sorrow and extreme [cal]amity. Which being tenderly considered by the [said] Dowager, she can no less do but of mere rlite either evite and eschew the danger [and inco]nvenience thereof, or else must needs shew herself to be much unnatural and full of impiety, arrogancy, and pride to the high and singular impeachment and empairing of her honour and estimation for ever.

fol. 170.

And for fine and conclusion herein, ye shall further say unto her that considering the marriage had, concluded and solemnized as it is already done between the King's highness and the Queen Anne, and also the name of Dowager with a right honorable dowry to be unto her limited and prescribed

by Act of Parliament, which things, with all their long ceremonies of the law and circumstances are already so lawfully, sincerely and inviolately passed and brought to end and effect by the whole assent, consent and final determination as well of the wisest men and most famous clerks of Christendome, as also of all the estates nobles and commons of this realm, both spiritual and temporal, that the same is irrevocable and indissoluble by all law and reason; so as, notwithstanding all that she can wrest or do in the same, she cannot in the least point violate, dissolve, or annul any part thereof, but rather in travailing so to do, shall not only more and more incur the contempt, danger and displeasure of Almighty God, the king and his law, and bring herself into a further calamity, but also by such extremities, be a mean clearly to evicte and take from her the hearts and good will of all the nobles of this realm, which at this time been right well minded and inclined to do her good, towards the advancement, maintenance and increase of her honor and estate. It shall therefore be best for her and also most for her honor, surety and quietation to conform and establish herself in the premisses as shall be to the high pleasure of God, the preservation of His law, [and] to her honor and the good contentation of [the] king's highness, the nobles and commons [of] this realm, and most principally to her own quietness ³¹.

³¹ This is plainly a copy of the articles delivered to the Queen, the report of her answer to which is printed in State Papers, vol. i. p.

397. It is clear that the portion lost at the commencement must have contained besides technical expressions very little matter.

Number CCCXLIII.

A Proclamation devised by the King's highness with the advice of his Council, that his subjects be warned to avoid (in some cases) the danger and penalty of the Statute of Provision and Premunire. June, 1533.

FOR as much as the unlawful matrimony between the king's highness and the Lady Katherine, princess dowager, late wife to Prince Arthur, by just ways and means is lawfully dissolved, and a divorce and separation had and done between his said highness and the said Lady Katherine by the most reverend father in God the Archbishop of Canterbury, Legate and Primate of all England, and Metropolitan of the same: and thereupon the king's majesty hath lawfully married and taken to his wife, after the laws of the Church, the right high and excellent princess Lady Anne now Queen of England, and she solemnly crowned and anointed as appertaineth, to the laud, praise, and honour of Almighty God, the surety of the king's succession and posterity, and to the great joy, comfort, and contentation of all the subjects of this realm. All which premisses have groundly proceeded and taken their effects, as well by the common assent of the Lords spiritual and temporal and the Commons of this realm, by authority of Parliament, as also by the assent and determinations of the whole clergy in their several convocations holden and kept in both provinces of this realm, and for perfect and sure establishment thereof it is enacted among other things, that whatsoever person or persons of what estate, degree, or condition they be of, do attempt or procure any manner process, or do or move any act or acts to the let or derogation of any such proceedings, sentences, and determinations as is and have been done and had, as well in and about the said divorce, as in the solemnization of the lawful matrimony had and concluded between the king's highness and the said Queen Anne, shall incur and run in the pains and penalties comprised in the

Statute of Provision and Premunire made in the sixteenth year of the late King Richard the Second, which is no less pain than the offenders to be out of the king's protection, and their goods and lands to be forfeited, and their bodies imprisoned at the king's will as by the said Act more at large is expressed: By reason whereof and forasmuch as the said divorce and separation is now had and done, and the king's highness lawfully married, as is before rehearsed, it is therefore evident and manifest that the said Lady Katherine should not from henceforth have or use the name, style, title, or dignity of Queen of this realm, nor be in any wise reputed, taken, accepted, or written, by the name of Queen of this realm, but by the name, style, title and dignity of Princess Dowager, which name she ought to have, because she was lawfully and perfectly married and accoupled with the said Prince Arthur. And whatsoever officers, ministers, bailiffs, receivers, farmers, servants, keepers of parks or chases of the said Princess Dowager, or any other person or persons, of what estate, degree, or condition they be of, contrary to the premisses, do name, repute, accept, and write, or in any wise obey the said Lady Katherine, by virtue of any manner of warrant or writing to them directed by the name of Queen, or attempt, do, or move any other act or acts, thing or things to the let or derogation of such doings and proceedings as is determined and accomplished, as well for the dissolution of the said unlawful marriage as for the solemnization and confirmation of the said lawful matrimony justly finished and concluded, as is above rehearsed, shall and doth plainly and manifestly incur and run in the said great dangers and pains comprised and specified in the said Act. In consideration whereof, albeit that the king our most dread sovereign lord nothing mistrusteth his loving subjects for any attempt, act, or acts, or anything to be done, moved, or spoken by them contrary to the true meaning of the said Act, and the due execution and proceedings in the premisses; yet, nevertheless, to the intent that his said humble and loving subjects shall have plain, open and manifest notice of the great perils, dangers, and penalties comprised and specified in the said Act, whereby they may eschew the dangers thereof: His Majesty therefore, of his most gracious and benign goodness, more coveting and desiring the good obediences

and conformities of his said subjects, than to be advanced and enriched by their offences or contempts, by the advice of his said council hath caused this Proclamation to be made for a plain overture and publication of the premisses : whereby, as well all and every his loving subjects as others may (if they will) avoid and eschew the said great pains, dangers, and penalties above specified—Whereunto his Grace's pleasure and high commandment is, that every person from henceforth take good heed and respect at their perils.

✓ And yet, nevertheless, the king's most gracious pleasure is, that the said Lady Katherine shall be well used, obeyed, and entreated, according to her honour and noble parentage, by the name, title, state, and style of Princess Dowager, as well by all her officers, servants, and ministers, as also by others his humble and loving subjects in all her lawful businesses and affairs : So it extend not in any wise contrary to this Proclamation. }

God save the King.

W. BERTHELET, Regius impressor, excudebat.

Cum Privilegio ³².

³² The only known original printed copy of this Proclamation is in the possession of the Corporation of Norwich. From this the copy in the possession of the Society of Antiquaries was made, as also the reprint in the 21st volume of *Archæologia*. Both copies have been collated.

Number CCCXLIV.

A fragment of news from Flanders, mentioning the Pope's indignation at the King's marriage. July, 1533.

Record
Office,
an. 25.

FRAGMENT.

News from Flanders.

/THE Pope hath send a post to the French king that he will cause the duke of England home again, or else he would not come down to speak with him.

Also the said Pope hath cursed the four bishops of England the which have been cause of the king's grace's marriage, and that the Pope hath more indignation and displeasure against them than he hath to the king; forasmuch he knoweth that they could not do it of right. And that the French king will keep part with the emperor as long as the king shall keep his new queen. /

Number CCCXLV.

Original letter of Cranmer's to the King, giving his opinion of Cochleus's book against the King's marriage; perhaps written in 1533.

Vitell.
B. xiv.
fol. 41.
al. 43.

PLEASETH [it your highness to be advertised, according to your] grace's [most gracious letters of addressed unto [me] concerning a cert[ain book which] the said [Cochleus hath written] causes which be so made I cannot for my

Sire, I have had the [book in my] custodie more than this monethes, and have diligently perused the ho[le contents of] the same. And in case I had thought it to [contain any] mater worthy answer or advertisement, I would [have declared] the same unto your highness long before this. [But the] truth is that there is no new thing in that [book, but foo]lish lies and slanderous reports of your highne[ss, nor aught] which hath not been written already, and also a[nswered] as sufficiently as can be required. And on the [other hand I con]sidre the person of the said Cochleus to be of so [little repute and] estimation in all Germanie, and the residue of the that in mine opinion it should nothing advance [your highness' cause] to dissolve his reasons, or to make him any answe[r, but only] acquire unto him some glory thereby, which sure [is not your] study and purpose. And to the intent your highness sh[ould be the] better instructed of what qualities and reputation [the said Co]chleus is, I have sent unto your highness this be[arer, my] chaplain, who doth perfectly know him, and can re[port unto] your highness much of the communication had between [me and

the said] Cochleus at my being in Ratisbone. To [whom
 I] beseech your highness to give credence as well
 h me to be of the
 made unto the
 [re]ferys me holy unto
 t your highness
 shal not fail to
 beseching your high-
 [ness to ascertain me of your plea]sure therein by this [bearer,
 and I shall behave myself he]rafter accordingly.

From [my manor at]

Our lord and preserve your highness.

Your highness' most humble

Chaplain, and bedesman,

[T. CANTUAR.]

Number CCCXLVI.

Copy of Previdello's letter to Sir Gregory Cassali offering to justify the marriage of the King with Anne Boleyn; written August 9, 1533.

Record
Office.

EXEMPLUM litterarum Domini Hieronymi Previdelli
ad Dominum Equitem Cassalium.

Illustris Domine Eques.

Studui sane diligenter in casu secundi matrimonii a serenissimo Angliæ Rege contracti; et ita sum paratus, ut possim polliceri me contra omnes [contrarium as]serentes probaturum, novum hoc matrimonium validum [es]se, quousque de primi matrimonii validitate non sit declaratum, et prolem nascituram legitimam fore, et quod Pontifex non debuit facere quæ fecit; et quid facere potuisset, quum simul erimus, ex me cognoscetis. Profecto ego quam bene hanc causam teneam, et funditus cognoscam, incredibili ardeo desiderio ostendere, et errores quamplurimos indicare et declarare per Pontificem in ipsâ causâ contra Regiam Majestatem commissos. Et facilius etiam quæ dico præstare posse confido, si huic conventui viri non mediocris doctrinæ affuerint, quemadmodum futurum credo. Voti enim compotes erimus et toti orbi palam faciemus, Curiam Romanam non omnia scire, et ipsam quoque errare posse.

Unde spero Regiæ Majestati per me satisfactum iri. Opus equidem aliud omne posthabui, quum primum de Pontificis sententiâ accepi; et totus huic rei dies noctesque sedulo incubui, itineris et viatici curam dimittens Dominationi Vestræ; Cui me commendo et Domino Benetto commendatum faciat rogo.

Bononiæ die 9 Augusti, M.D.XXXIII.

Number CCCXLVII.

Holograph letter from Bedell to Cromwell, in answer to a demand for the copies of the Decrees of the Universities; written September 1, 1533.

PLEASE it you to understand that this day at five of the clock at night I received your letters in which ye will me to receive of my lord of Caunterbury such counsels of Universities and learned men as were exhibited to his lordship at Dunstaple, and to bring to London this night the said counsels; for so it is my lord of Canterbury had letters from the court this night past about midnight, by reason whereof he rydd to the court this day in the morning, I suppose for the same cause whereof ye write to me. And as far as I can learn he will not come to Otford to-morrow night, so as I cannot afore that time receive those counsels of him, neither I come to London, seeing it is not your mind I should come without them. If his lordship have not brought them to the king's grace already, I will not fail to be at London with all speed, as soon as I may after the receipt of them at his grace's hand. And I beseech you to be so good unto me as to send me knowledge by the bearer whether I sh[all] come to London or not at this time in case these counsels be had already. And I will follow your advertisement.

Further if these counsels or the transumpt[s] of them sha[ll] be sent out of this realm, I beseech you to advertise the [king's] most noble grace secretly betwixt you and him that I [have] signified unto you, as I do now by this bearer, that it sha[ll] be very expedient that these counsels be substantially looked [over] and faithfully perused, afore they be sent further; for some o[f them] make not best for the purpose and leaneth much to this [point,] *Quod Papa ex causâ possit dispensare contra jus divinum.*

My lord of Wynchester and maister Almoner, giving diligence, will and may shortly secerne such as make most for

[our] purpose from them which halt in any part. And [thus] fare ye as well, as I would myself to fare.

From O[xford] in haste about six of the clock towards night this m[onday,] the first day of September.

[Ye also] make mention in your letters, that ye sent a copy of a scedu[le of a] byl endented, by which my lord of Caunterbury received th[e bil]ls of the notaries; but I found no such copy with the [letter, not]her joyned with your letters and the messenger could shew an thereof

By your owne assured [to his]

power THOMAS BED[YLL].

To the right worshipful
and my very singular good
maister and friend Maister
Thomas Cromwell one of
the king's grace honorable coun-
sell.

Number CCCXLVIII.

Sir Gregory Cassali's defence of his own and his brother's conduct, addressed to the Duke of Norfolk; written after September, 1533.

UNTO all things contained in the writings of Croke, being
 very like [unto his] witte, me seemeth nothing is to b[e an-
 s]wered but that he goeth about to minister [unto me] all
 the inconvenients and displeasures which of his mere lightness
 and folly he hath gathered
 he himself shall be wytnes
 trust shall have many wytnes.

Record
Office.

That he saith first, that Fraunces Crucinus said he could
 nothing dō, because the king's business was dyvulgate by me;
 I answer that the said Fraunces said those words afterwards,
 when he knew that he could not, as he desired, extort and
 get money from me. But I declared and opened the king's
 business to a much more honest and wise man than he is.

As touching those things which he said were done at
 Ferrarie, I will answer nothing at all; for at that time I was
 at Rome; but the reverend father the bishop of London was
 present at all those doings, and therefore ye shall ask him.

Touching things which he saith of Bononie, ye shall ask
 also the said bishop; for of him ye shall know all as the very
 truth is. But I pray you ask of Croke what business he had
 at Bononie, and for what cause he did then and there treat
 and meddle with those things which by us were obtained and
 to the king's majesty.

Touching those things which he goeth about to say of the
 doctors and our friends, which we proponed to the bishop of
 London, I believe the same bishop and other the king's ma-

jesty his servants which have used and amended the labour, diligence and industry of the same our friends, have known and do know much better than Croke what conditions and qualities they be of. And therefore of them inquire the truth, and trust not Croke in his proper cause and against them whom he specially hateth.

P. 3. As touching that he saith, that we have divulged the king's cause, I answer that before anything that was done by me or my brother about those counsels, it was first patefied and divulged by Croke, and specially at those days which he speaketh of. At that time universities and colleges were everywhere obtained, so as then there was nothing more notorious in Italie. But by this ye may perceive the wisdom of Croke, that he in these his writings (as indeed he hath done) doth so much ground himself upon that freer Fraunces Georgius, whose malignity, fraudulyte and iniquity, yea and how ill he hath born himself in the king's cause ye may well understand and know both of Doctor Kerne, who then was at Rome, and also of the bishop of Wynchester w[ho knoweth] all things by Mr. Benet.

As to that that my brother hath procured [and] written to the bishop of London, that the king's business and affairs were evil governed and handled, This I believe for a certainty, yea and I know that he hath many times written both to the same bishop and to Mr. Benet, and hath come himself to Bononye of purpose to require some of them to go to Venyce, to see how lightly and foolishly the king's affairs were ordered, treated, handled and governed by Croke.

But think ye not that I have written so prolix, for the levities and lucubrations contained in the writings of Croke, but for the words of the most noble duke and Mr. Crumwell; which words seemed unto me to be such that to write this I am constrained, beseeching you therefore that ye will vouchsafe for my justification to read over all.

P. 4. As touching the business at Millayn I will say this. We then [accom]panied to my lord the earl of Wilshire at Millayne; one Claudus being learned in the law came unto me and said that one of my colleagues was the letters of Fraunces Georgius [to the] intent to know the opinions of certain doctors in Millayn; which when the same Claudus had

procured, he trusted himself if he had money to be able to satisfy the king's majesty. But when I perceived and understood these things of that man whom I never had seen before, seeming unto me by his words and aspect not to be mete to be much trusted, thought to have some knowledge of him by Mr. Dominic Saule, who though he shewed me nothing good of that man, yet left I in the hands of the said Mr. Dominic seventy pieces of gold on that condition and order that, if Claudus should perform those things which he said, he should have the money. After that, because the said Mr. Dominic was a great friend to one freer Hierom whom Claudus said he could not have to his desire, I required Mr. Dominic that by all means and study he would labour to reduce that freer to our purpose. He truly was an honest man and indued with p. 5. much soberness and virtue, and to me in great need a very friend, for the mutual benevolence betwixt us and old familiarity I have many times gratified the Duke of Millayn and amongst other mdem . . . d and brought to pass th[at the lor]de of Lautrech hath restored unto him Alexandrie.

Furthermore let the king's majesty himself judge whether I ought to trust in this Mr. Dominic, when by him I was admonished that the bank of the Saules which was at Rome, and in the which the money of Pope Julius was deponed and laid, had obliged themselves in the name of the same Pope to the King of Spayne in the sum of fourscore or seventy thousand ducats, and that the Pope would not deliver the dispensation until the same obligation were restored unto him by the King of Spayne, whereby it appeared that Julius corrupted with money did dispense.

Of all these things I had credible relation of the governor of that bank in writing by the industry and means of the said Mr. Dominic, and also I had like credible relation by the said Mr. Dominic together with the copy of the said obligation.

And all these things out of hand I sent to the king's ma- p. 6. jesty. Therefore forasmuch as I knew the said Dominic to have done those things for the king's majesty and for me to the so great dishonour and shame of the King of Spayne, I might well enough use his industry in gaining the opinion of one freer. But I know that he will shew himself to have

done these things only to do the king's majesty service, and not to have opened nor declared ever the king's name to any man.

These things therefore were not the cause nor occasion of the divulgation of the king's business, but the lightness of Croke and his foolishness, who handled the matter with certain so abject and babeling freers that by and by opened and published all things, as ye may know of the king's servants which now be here. Furthermore the said Claudus being a simple and abject person had not come to me as the king's ambassador unless he had first known by Croke that that business did appertain to the king's majesty.

P. 7. Touching those things which were done at Ferrarie, because there were present many masters of divinity being friends of the Bishop of London, the bishop himself being present and I then being at Rome, therefore I think that he is sufficiently instructed in those things . . . him lerne yt the truth. And yet by that I harde . . . of all these inconvenients I believe [it] was written to the king's majesty hereupon that the lightness and madness of Croke was only the cause, as ye may of this most facilly be ascertained.

p. 8. There be many alive which were present there for the king's majesty, and it is more honest, yea and more equal that ye be informed by the king's servants than of Croke, to whom no faith is to be given against those whom he most hateth. Ye may also know by the said bishop that he had and obtained all things that he wished and desired at Bononye for the king's majesty whilst I was there. And I and my cousin had the authority of the college and university of the divines of Bononye. And after that I departed thence towards Rome, Croke went to Bononye, where (what moved him I know not) he would treat with those divines the selfsame things which by us were obtained and sent to the king's majesty, wherefore he patefied, manifested and divulged to all men the king's matter and her . . . to the governor of Bononye. Why he did these things I know not except that as I think he did it partly by folly and partly for malice. But the Bishop of London knoweth all these things; for he was present at all the doings, but I was at Rome and there were all these things shewed unto me. Ye shall know also by the said bishop that, whilst I was at Bononye and Venyce, he desired to have cer-

tain divines and Hebrewes learned in the law of Italie, and had them ready and used their policy and industry in the king's cause.

Further the said bishop knoweth that, when the governor of Bononye had perceived this cause to be treated by Croke with the theologians or divines of Bonony, he commanded those theologians to be called unto him, willing them to revoke all things that they had at that time written for us and to write clean against it, threatening to detain and keep them in prison but if they would so do; howbeit by the meanes and policy of Mr. Andrew mine uncle at Bononye and by mine industry at Rome we so defended them and maintained their cause and quarrel that the governor could by no means hurt p. 9. them. But afterwards for that cause my said cousin, who is one of the primats [th]at rule the regyment of Bononye, was had and brought into the great disdain and hatred of the governor and of the Pope so that he was constrained to forsake the country, and by the Pope his domynyon was taken away, [as] the king's grace [well] knoweth, for he wrote many times and laboured to the Pope to restore the said domynyon to my said cousin but all [in vai]ne. But I would that ye would animadvert and consider that those things which might be done by me in this cause, and where the things were of great moment, were so faithfully and prudently handled and done that nothing could be added thereunto; and to begin from Bononye, where somewhat I prevailed, had not I the counsels of every doctor as well lawyer as divine of that city confirmed and approbate by the authority of the college and university against the express commandment and prohibition of the Pope and the governor of Bononye, which Pope said many times with his own mouth both to me and my colleagues that he would not suffer by no means that we should have the universities. And whilst I was at Bononye for the same cause, James Salviati wrote unto me in the Pope's name that his holiness was not contented that I should procure those coun- p. 10. sels against his will, as the king's majesty may know, [to] whom I sent those letters and which the Bishop of London before had sent and overredde. Furthermore where I knew that I could do anything, as it was at Parma and Placentia, albeit that they be s[ubject] to the Pope I had [opinions]

of [many] men learned in the law strengthened and fortified with the authority of the un[iversity]. Also in the city of Regius, which is under the [dominion] of the Duke of Ferrare, and in the which it was prohibited by the duke that nothing should be written by any man in the king's cause, yet did I my business so prudently that I had the counsels of the doctors of that city with the authority of the university. Had not I also the counsels and opinions of many the most cunning and best learned theologians of Italie? as I suppose the king's majesty knoweth, to whom I sent a great many of those counsels; and the names and fame of them which have so counselled be so notorious and known to all men that it may soon be seen whether I have said truth.

p. 11.

All these things which I did with the said theologians were only at my cost; for I by the means and help of my friends rewarded them with offices and benefices, and that notwithstanding they put me still to trouble and charge. But all these things were done by me in the dominion of the see apostolic, yea and that against the will of the legate apostolic who greatly was against me in those things. But in the realm also of Naples being subject [unto the em]peror we had the counsels in the favor of the king's majesty [in] the procuring whereof Mr. Paule my brother was slayne. Furthermore [when all the] colleges knew that the Pope [had] grounded himself upon the sentence of Mr. Normanotius tus learned in the law, a Florentine, being a faithful servant of the Pope's; went not I to Florence and reduced him to our purpose? as it appeareth in his counsel which I sent together with his letters directed to the king's majesty. In which matter the Pope greatly complained of me. And further (which is much more) did not I bring to pass that one of the best learned Cardinals of the Consistory did write in the favor of the king's majesty without any reward? for the which the Pope and the Imperials were so angry. And was not the Cardinal of the Mounte by mine only means and industry induced into the favor of the king's majesty without any reward, who afterwards what he did for the king's majesty I am sure it is not unknown to his highness and his, nor yet to the ambassadors and cardinals of Fraunce. Let us pass and omit to speak what I did in the conducting of Mr. Hyerom Previ-

dellus, who was so great a mirror to the king's cause; yet did I also many other things of much greater moment, which p. 12. for good considerations I will not rehearse, chiefly when ther some of you which I know not to be ignorant in the ma[tter]. Furthermore not alonely to [have done] the office and duty of a servant but also to have [done] more than one brother would do for another [that] is to say insomuch as I h[ave done for the] king's highness that I never durst do for myself. And through the sufferance of God, there are yet many living which can witness who was the cause that it was openly spoken in the court of Rome and in the emperor's court that the king's highness did minister true and good law in the principal cause; and whether I was the only and chief cause and let that the emperor did not obtain the sentence in the principal cause which he so greatly desired; and whether I was in cause that the emperor himself was deluded and frustrate of the great hope he had in the Cardinal of Anconitan. Furthermore, because I would accomplish and do the king's commandment, I sent my kinsman Mr. Vincent to execute the same, wherein he must needs both use his wits and policy, and also offend the Pope with many other, yea and God himself also. In which business through the difficulty of the times and country my kinsman there died.

Consider ye therefore whether these things be correspondent to those things which are so unjustly objected against me. p. 13. And what service I did the king's highness in the time of the Cardinal of Yorke I will not express, the matter would make so long a book, but it sheweth enough to know this, that first, as it was laid and prescribed unto me, I obtained the king's cause to be committed to the said Cardinal of Yorke and the Archbishop of Caunterbury. Afterwards I so handled the Pope that he promised to confirm and approbate such sentences as the said judges commissioners should pronounce and give in the same cause. Which promise I had in writing subscribed with the Pope's own hand. I obtained also a Bull Decretal which was delivered (as the Cardinal of York in the king's name commanded) unto the Cardinal Campegius.

I spared not also to shew unto the Cardinal of Yorke that Campegius was neither profitable, ne yet to be trusted in this

p. 14. cause, wherefore it was to be required that the legacie should be committed unto an other. I declared also to the king's ambassadors (as Mr. Bryan and Peter Vannes being then at Rome know well enough) all such things as Campegius procured against the king's highness. Neither I omitted to forewarn the Cardinal of York of all such things as hath followed and to propone and provide remedies which he might have used. Also the said Mr. Bryan and Peter Vannes know well enough what I had prepared and practised with the new Pope for [the king's] cause, if the Pope that now is should (as it was thought) have died. I will also shew unto you, for meseemeth it shall help somewhat to [my defense] that now four years are passed sithen it was both written and shewed unto the king's highness that I ruled the Pope at mine own pleasure, that he wrought all by my counsels, and that there were many things given me of him. Furthermore because I was against the king's highness, his majesty therefore could not obtain his purpose; which when the king's majesty had shewed unto my friend Gurone, and he had written it unto me, I would answer none other thing but that the end of the matter should declare such tales not only not to be true but also directly contrary to the truth. Now would I require you to be judges in this cause. Ye know well that those men which brought those tales and complaints of me to the king's majesty are now in great favour with the Pope, and as for me (as it is openly known) and specially to many of you, the Pope hath, most unjustly and not without his own great shame, taken from me six thousand ducats which lawfully belonged and appertained unto me, given of my wife's patrimony.

p. 15.

Also against all law and righteousness he hath taken from my brother a certain monastery which the [Venecy]ans had committed unto him; for which cause my said brother is now excommunicate. Furthermore my cousin is of the said Pope derobed and spoiled of such honor, dominion and authority as he greatly flourished with in Bononye; with all which things the Pope cannot yet satisfy himself but daily afflicteth and oppresseth us with divers molestations and troubles.

Therefore syth these things are manifestly known unto you, meseemeth the same ought to be sufficient to purge me of such things as are objected against me, specially by such a light

person. These things by me above rehearsed I am at all times ready to prove and justify; shew ye me therefore what things are to be excused and justified, and I promise that with all diligence I will right gladly do it. Neither yet it should seem inconvenient if the king's majesty, in reward of our service, would for the nones send some just and sober man into Italie to examine and be instructed of those things which in so grave and weighty a cause are very necessary and requisite; for sith that (as it is known to all the world) I have not p. 16. sticked so often to put my life in hasard for the king's cause, have consumed and spent the most part of my lod and patrimony in his service, have lost my n and brought myself in hasard both with the Pope and the whole court of Rome, and finally have [suffer]ed such things as are above rehearsed, it should be undoubtedly a great impiety and a thing never heard of before, if the king's majesty for my recompense and reward would so ignominiously defraud me of mine honor and good fame, which only is left unto me; which thing I will take to be done by his grace so long as these things shall not be by you clearly manifested, seeing that the words, lies and vanity of that so light a fellow have been so highly extemed with you that ye would vouchsafe to hear him above all other, and interrogate him of such things as he hath so published, opened and divulgated that they are well known and comune not only in Englonde but also in Fraunce and Italie; therefore I had rather die than suffer one spark of those things which are objected against me to remain in men's hearts. Inquire therefore I pray you of the king's servants which are here present and have been colleagues with me in Italy many years past in the king's affairs whose names are these—The Bishop of Bath, Mr. Russell, Doctor Knight, the Bishop of Wynchester, Mr. Almoner, Mr. Bryan, Mr. p. 17. Peter Vannes, the Bishop of Caunterbury, the Bishop of London, Doctor Kerne and Doctor Boner. These are they which I pray you examine upon their oath that they upon their mere and pure conscience do protest and witness with what industry, study, diligence, labor, [care]fulnes and zeal I have ever handled the king's affairs; which if ye will not do as I require and obteste you, I will appoint you both the times and facts whereby ye shall know that I at all times

have had witness of my service done, and ye shall find that always I have served the king faithfully. But I am pryvate of an ancient and grave witness of my labor, diligence and fidelity, Doctor Benet, who I would to Criste were now living, for of him ye might learn all these things; and yet I fear not but he hath in his life time testified unto the king's majesty his servants and ministers what service I have done. I remit myself to their relations and reports.

p. 18.

Of truth I will not deny that it is high wisdom sometime to have servants in suspicion but yet for a cause; but why ye should suspect me, I cannot imagine any other cause but that ye take me for a fool and judge me to have played the fool in that I have preferred the king's service above my own profit without any cause or utility, and also in that I would lose all mine own estimacion and good fame to profit the king's majesty, but rather ought to have profited myself and mine own doings, which hath been far contrary to the things which ye suppose to be in me.

I think there be no man in Christendom hath had more occasion to attain high honor and promociion than I. I saw the Pope both before and after his captivity in such calamity and misery that he had no man besides me that either would or could help him, such was the king's mind. If at that time I would have esteemed honor, dignities and promotions better than the king's service, who doubteth but I might have had a great many and of the best? The Duke of Millayn offered me a lordship being of the yearly value of four thousand ducats if I would assent that the lord of Lautrech should not go out of Lombardy (as all the Frenchmen required). Yet because it pleased not the king's highness so, I resisted all their sentences and minds, and threatened that I would not deliver the money unless they would go further.

p. 19.

I could have assented unto other men's wills and done such things as did redound unto mine own profit, which I might have done the more facyllie because I had no commission to do such things only as I myself should judge to be most necessary for the victory to be obtained. But I would ever keep myself syncere and faithful in all things, nor it shall [n]ot be found that ever I took any bribe or reward, which that ye may know be true, behold the inoppye and poverty of my house. I

know not therefore by what means ye are induced to suspect me, but if ye think not these my words to be true though they be known well and evident enough, yet shall ye do a thing most acceptable unto me to try out the truth, ye shall very facyllie perceive that, syth I began to serve the king I have spent and consumed of my father's goods more than 30 thousand ducats, insomuch that if I had not had much substance come to me of my wife's dowry, I should now have been in an evil case.

And yet the Pope doth daily so trouble and molest me that I think all that is left will shortly be brought to nought. Ye shall find also that I and my kindred shall be an example to every man of the ingratitude of princes; and besides that, a common jesting stock to all men which for our service with great loss have no reward at all. Albeit I had daily so many promises that the purse wherein they be kept is now full. And now that I thought the time of my reward to be at p. 20. hand, I have perceived a right good one to be prepared for me, and precious one, and well coloured, that is to be released from the pains which servants taketh.

Finally, I have thought this not to be omitted, that where as by the help and means of the Cardinal of York the French king gave me an annual pension of five [thousand] ducats, which pension was paid me many years, forasmuch (as according to my duty) I shewed as I thought of the French men and perceived them sometime to break from the king's party, and saw the king's highness defer all unto them, Joachim shewed unto me that my pension was restrained and that I should obtain nothing of that the king's highness procured for me in Fraunce. And yet I never spared to signify unto his majesty all things as his highness knoweth well, and you most noble duke also; for which cause at the last the said pension was taken from me, nor I never think nor hope to recover it. If I would have left off in such things as I might (with more honor) I had now had my pension. And my brother which giveth himself to the warre and chyvalrie should have had of the French king his fifty speres and his annual pension of a thousand ducats, like as the said French king promised unto the king's highness with his own mouth. Of all these things both the king's highness and the Duke of Norfolk can p. 21.

affirm that I lie not. But for this doing many and specially the French men account me a fool. Nevertheless that that I have done pleaseth me right well, and if it so required I would do it again, and I am glad that I have done it; for I think myself rich enough [a]s long [as I] may save mine honor and fame without corruption. Wherefore I heartily require you either to take my life from me or else to restore me my honor and fame taken from me³³.

³³ This document is in a very rotten condition, but has been patched together so that but little has been lost.

Number CCCXLIX.

Original letter in Carne's hand sent with an enclosure to Cromwell by Carne and Bonner from Susa, October 28, 1533.

Record
Office.

AFTER due considerations had to your mastership with like thanks for the singular goodness ye have always expressed towards us, for which we stand your bounden debtors, it may like the same to take the pain to deliver these letters here enclosed unto the king's highness as speedily as ye can. And thus eftsones most humbly recommending us unto your good mastership, we pray Almighty God to send you as much good health with encrease of honors as your own heart can desire.

At Susa the 28th day of September, 1533.

Your own most bounden

EDWARD KARNE. EDMOND BONER.

Endorsed—

To the right honorable Master Thomas Cromwell
one of the King's Privy Counsell.

Number CCCL.

*A pamphlet published towards the end of the year 1533 in
justification of the King's marriage with Anne Boleyn.*

ARTICLES

DEVI-

SID

by the holle consent of the Kynges

moste honourable counsayle,

his gracis licence optei-

ned thereto, not on-

ly to exhorte,

but also

to

enfourme his louynge

subiectis of the

trouthe.



The Kynges moste honourable
counsale to the residue of
his louynge subiectes.

SINCE it is the part of all honourable and elect persons chosen by the prince, when they do declare and utter matters of weight, to observe an equity and truth in uttering of them, and to shew benevolence to the people, which be under their prince, in admonishing them of things which are necessary for them to know; we therefore, the king our sovereign's most faithful counsellors and subjects, with whole assent and by his license, have thought most convenient and necessary to intimate unto you (the rest of his subjects) these articles following for your better condition and knowledge, and to open unto you truly the manifold injuries done unto our king and sovereign, which (we being his true and faithful subjects) may in no wise sustain or suffer: but study and endeavour ourselves by all ways to us possible, to redouble and requite the same, and to take the injuries and wrongs done to his person (in whom is all our wealth and joye) more earnestly than if it were done to us alone. And so shall we do according to our duties, and thereby deserve merit of God, to whom most humbly we pray, that he will vouchsafe to have, support, defend, and keep under his wing and tuition our most noble prince, the queen now being his wife, with their issue and all us his true and loving subjects.

Quia in te Domine speramus.

The first Article.

First the mere truth is, that no living creature of what fol. 3. astate, degree, or dignity so ever he be, hath power given him by God to dispense with God's laws or law of nature. Which thing is confirmed and determined in our prince's case, by an infinite number of well learned men, strangers, by the most part also of all the most famous universities of Christendom, and specially, and above all (to our estimation,) he wholet clergie of this realm. Whereupon and in discharge also of his conscience, being auctorized by act of Parliament, our Metropolitan Archbishop of Canturbury hath adjudged the first matrimony to be contrary to God's laws and thereby not lawful and this present matrimony now enjoyed, lawful and perfect. Wherefore we all (that be our prince's true subjects) ought in this his just and true matrimonye, to live and die fol. 3 b. with him, and his, of this venter come or coming.

The second Article.

Secondly, the councils of Nyce, Melyvence, and Aphricane, with others also, have determined that causes of strife or controversy being once begun in any region, shall there and in the said region be finally determined, and none other where, expressly denying the courts of beyond the sea to oblige any man to appear at them, for divers weighty considerations in them expressed, which notwithstanding the bishop of Rome by some men called Pope, the usurper of God's law and infringer of general councils, hath hitherto wrongfully detained at Rome, and would do still, except otherwise our prince and his parliament had provided, his great and weighty cause, contrary to all right and conscience to the utter undoing of fol. 4. this realm.

Which things the prince and his whole Parliament, considering and taking some light upon the foresaid general councils and weighing also other wise and politic reasons, thinking verily this amongst other considerations, that it were not mete that the inheritance of this realm should depend upon the bishop of Rome, or any other stranger's will and pleasure, which other by affection, mede, or fear might and would order it after his worldly affections and appetites, as it

well appeareth this holy bishop of Rome would have made a commodiously and wealthy law lately both for us and him, By which, good people (living within the limits of true matrimony within this realm) shall not by malice or evil will be so long detained and interrupted from their right and as in times passed they have been, Nor injuste matrimony shall have his unlawful and incestuous demoure as by delays to Rome it was wont to have, which may evidently appear now, by that, that our Prince's weighty and long protracted cause of Matrimony hath now here his final and prosperous end, with brefe success of issue already had and other like to follow, lauds be unto God, the only worker of the same: with which issue both you and we must both live and die, according to our allegiance.

The third Article.

fol. 5. / Thirdly, it is to be taken for a truth and equity agreeing with learning that an excusator in any bishop's court of the world; the party either not being bound personally to appear there, (as by all learning our Prince is not at Rome) or being impedit by any other lawful causes, which they by their own law have limited, should be admitted to answer for the past against which equity, the bishop of Rome hath also rejected our prince's excusator, which injury although it be not yet put in execution against any other person, (saving our prince and king) yet that example shall remain for a precedent in prejudice of all princes and potestates. / Wherefore we would advise them briefly to look upon it, and we and ye the rest of his subjects, so to detest this great injury done to our prince and consequently to us, that the bishop of Rome and all his shall see that except it and all other injuries done to our prince and sovereign be shortly redoubed, we will revenge it to the uttermost of our power, and in so doing we do but our duty, yet surely we doubt not but it shall be very acceptably taken by our prince and king.

The fourth Article.

fol. 5 b. / Fourthly, the right belief of all true Christian people is that the general council (lawfully gathered) is superior and hath power over all bishops and spiritual powers, not excepting the

bishop of Rome. In confirmation of which opinion the appropriate council of Basil saith these words—Whosoever opposeth himself obstinately against this truth is to be taken by all true Christian people as an heretic. / Wherefore, loving friends, let us so handle ourselves both in words and deeds, that we be not taken, for any fond scruple in this trap, and let not herein our eyes be so blinded, nor our ears made so deaf with the sayings or preachings of any papists, that we run headlong against the true belief of all right Christen people.

The fifth Article.

Fifthly, by the law of nature, it is granted and admitted for lawful, that a man being grieved, vexed or troubled unjustly, may appeal from the bishop of Rome, to the general council, fol. 6. which so being, then specially such liberty is most convenient for princes, and they not to be rejected therefrom, nor it not a thing by them to be neglected or omitted, which have but two ways principally where none other can prevail, to attain right, the one against the other, that is to say in causes concerning the soul and mere spiritual appellation to the general Council. / In temporal the sword only, except by mediation of friends, the matter may be compounded, so that whosoever would go about to take away any of these natural defences from them is to be manly withstande both by the prince and his subjects. And thereto we be animate by our right father which redeemed us, our lord Jesu Christe, in that he saith—Obey ye princes above all, and then their deputies not giving power to any other within their rules and dominions. fol. 6 b.

The sixth Article.

Sixthly, after that appellations be lawfully made from the bishop of Rome (which calleth himself Pope) unto the General Council he is bound by the law neither to do, ne attempt any further process, in prejudice of the appellant, which if he do, by the forsaid laws, his doings cannot prejudice the appellant, and also it standeth void. / The effect of which law must now take his strength in the benefit of our prince except too great injury be ministered unto him. For our prince and king according to the liberty of nature and constitutions of General

- fol. 7. Councils (as afore) hath both provoked and appealed to the General Council, next ensuing, rightfully congregate, from the usurper of God's laws and infringer of General Councils which calleth himself Pope. In the which our prince's doings all just and true Christen men, I doubt not, will support and maintain him, which provocations and appellations also standing in force, and being intimate to the person of the said usurper (as indeed they be), sequestreth him rightfully from all manner of process belonging or in any wise appertaining to our prince's fact and matter, in any of his courts; other diabolic acts and statutes by some of his predecessors made as hereafter shall appear notwithstanding. Wherefore what censures, interdictions or other his cursed inventions, whatsoever they be, ought to be despised and manfully withstande, for they be nought indeed, and we (so doing) shall have for our buckler the latter and better part of this verse ensuing, and
- Psal. 36. the maligners the fore part of the same, which is, *Quoniam qui malignantur, exterminabuntur; sustinentes autem Dominum, ipsi hereditabunt terram.*

The seventh Article.

- fol. 8. /Seventhly, the sentence of excommunication ought not to be executed by any minister of Christ's church, against any creature, except it be for deadly sin prohibite by God's law and Scripture, nor yet then, except the party stand in contumacy or be heddye: howe sklenderly should we then esteem his censures and curses, which extendeth them upon us chiefly because we have made wholesome laws for the commodity and wealth of our prince and realm, secondly because they do prejudicate his worldly appetites and profits, thirdly because our prince will not (contrary to his conscience, directed by God's law, and the opinions of the most part of all the best learned men in Christendome, as afore is rehearsed) live an incestuous life and abhominable. /These things be so contrarious to equity, reason and justice, that by his doings it may appear what manner a man he is, according
- Mat. 7. to a text of Scripture, which saith: *Ex operibus eorum cognoscetis eos.* Wherefore we all (our prince's true subjects) ought to reckon, as reason and learning leadeth us, besides the

due obedience to our prince, that the curse of him, which ministereth but unjustly, as this is ministered, though it were within his jurisdiction, as it is not: shall redound to himself and hurt no man else. Wherefore in this let us all shew ourselves like true and obedient subjects, not esteeming or hanging upon any living creature, save only our prince and king, according to an old proverb here in England, of old time past, much wont to be set by, and oft times by true men rehearsed, which is, One God and one king, minding thereby that all other folks' doings should be despised, which in any point may be contrary to them, in confirmation whereof the prophet David sayeth these words, *Inimici vero Domini mox honorificati fuerint et exaltati, deficientes quemadmodum fumus deficient.* Psal. 36.

The eighth Article.

/Eighthly, it is the office of all manner of bishops, and a grant also indifferently made to them all by God, that they should first friendly admonish and secretly reprove. Secondly afore record, charitably to reform (if they can) all manner of offenders of God's laws within their diocese, not using any compulsories, except the parties persist obstinate and in contumacy, which happening, then is it lawful for them to use censures and excommunications. / And this manner of ways fol. 9. only ought every bishop to use, although the bishop of Rome would them to do never so much to the contrary; for they be bound more to obey God than man, which office and ways (according to his duty) our good bishop of Canturbury (now living) hath begun to shew and follow. For first he apperceiving when he came to his dignity, that his prince and sovereign lived in unlawful and unfitting matrimony (according to his duty) meekly did admonish him and therein also reproved him, exhorting him to leave it, or else he would do further his duty in it. / So that at the last, according to God's laws he did separate his prince from that unlawful matrimony. In which doing, we think that every true subject should much the better esteem him, because he would execute God's commandment and set this realm in the way of true heirs. / And how God herewith is pleased, we think it doth evidently appear by many things, First, so briefly upon this latter and

lawful matrimony, so soon issue had : Secondly, so fair weather with great plenty of corn and cattle : / Thirdly, peace and amitie lately sought by divers princes and potentates of our prince : / Fourthly, the pureness of air without any pestilential or contagious disease, by so long time during, which things we ought to thank God for, and to take them for demonstrations that he is pleased both with our prince and his doings. / Wherefore let us all that be his true subjects both rejoice in it and apply us accordingly to serve both God, him and his in it, according to our bounden duties.

The ninth Article.

fol. 10. ¶ Ninthly, that where indeed by Scripture there is none authority ne jurisdiction granted more to the bishop of Rome than to any other *extra provinciam*, yet because that sufferance of people and blindness of princes with their supportacion hitherto hath sustained the same, doing themselves thereby too great injury and more than necessary, to open the same to the world, to the intent it esteem not, ne honor him as a God for fear of idolatry, he being but a man and what manner a man, a man neither in life nor learning, / Christ's disciple, a man also, though the see Apostolic were of never so high authority, contrarious, unlawful also by their own decrees to occupy and enjoy his usurped place. / For first he is both baste and came to his dignity by Symony, and now in denying the provocation and appeal of our sovereign lord the king and supporting the diabolic decree of his predecessor Pius, is determined by a general council *Vere hæreticus*, that is to say an heretycke.

Wherefore all we (being true Christen people, he thus continuing) ought to despise both him and his facts, and be no longer blinded with him, but give ourselves wholly to the observance of Christ's law in which is all sweetness and truth, adjoining with it the laws of this realm, utterly relinquishing the other, in which is nothing else but pomp, pride, ambition and ways to make themselves rich which is much contrarious to his profession, our lord amend him and give him grace no longer to be blinded with him. Amen.

Finis.

Londini in Ædibus

fol. 11.

Thomæ Bertheleti

M.D.XXXIII.

Cum privilegio ³⁴.

³⁴ This document has been printed from a transcript made from the Grenville Library, 1237, bound up with 'A Glasse of the truthe.' It is beautifully printed in black letter, the Latin quotations being in Roman character. It consists of eleven leaves foliated, eight of signat. A, three of signat. B.

Number CCCLI.

The final sentence pronounced by Clement VII affirming the validity of the marriage of Henry and Catharine.

Grenville,
1542.

ANGLICI MATRIMONII
SENTENTIA DIFFINITIVA.

Lata per Sanctissimum Dominum nostrum, Dominum Clementem Papam Septimum, in sacro Consistorio de Reverendissimorum Dominorum Sanctæ Romanæ Ecclesiæ Cardinalium consilio, super validitate Matrimonii inter Serenissimos Henricum Octavum et Catherinam Angliæ Reges contracti.

PRO

eâdem Serenissimâ Catherinâ Angliæ Regina

CONTRA

Serenissimum Henricum Octavum Angliæ Regem.

CLEMENS PAPA SEPTIMUS.

Christi nomine invocato in Trono justitiæ sedentes, et solum Deum præ oculis habentes, Per hanc nostram diffinitivam sententiam quam de Venerabilium Fratrum nostrorum Sanctæ Romanæ Ecclesiæ Cardinalium Consistorialiter coram nobis congregatorum Consilio et assensu ferimus in his scriptis, pronuntiamus, decernimus, et declaramus, in causâ et causis ad nos, et Sedem Apostolicam per appellationem, per charissimam in Christo filiam Catherinam Angliæ Reginam Illustrẽ a nostris, et Sedis Apostolicæ legatis in Regno Angliæ deputatis interpositam legitime devolutis et advocatis, inter prædictam Catherinam Reginam et Charissimum in Christo filium Henricum VIII. Angliæ Regem Illustrẽ, super Validitate et invaliditate matrimonii inter eosdem Reges contracti, et consummati rebusque aliis in actis causæ et causarum hujusmodi latius deductis, et dilecto filio Paulo Capissucho causarum sacri palatii tunc decano et propter ipsius Pauli absentiam

Venerabili Fratri nostro. Jacobo Simonetæ Episcopo Pisauriensi unius ex dicti palatii causarum Auditoribus locumtenenti, audiendis, instruendis, et in Consistorio nostro Secreto referendis commissis, et per eos nobis, et eisdem Cardinalibus Relatis, et mature discussis, coram nobis pendentibus, Matrimonium inter prædictos Catherinam, et Henricum Angliæ Reges contractum, et inde secuta quæcunque fuisse, et esse validum et canonicum validaque, et Canonica, suosque debitos debuisse, et debere sortiri effectus, prolemque exinde susceptam et suscipiendam fuisse, et fore legitimam, et præfatum Henricum Angliæ Regem teneri, et obligatum fuisse, et fore ad cohabitandum cum dictâ Catherinâ Regina ejus legitimâ conjuge, illamque maritali affectione et Regio honore tractandum, et eundem Henricum Angliæ Regem ad præmissa omnia, et singula cum effectum adimplendum condemnandum omnibusque juris Remediis cogendum, et compellendum fore, prout condemnamus, cogimus, et compellimus, Molestationesque et denegationes per eundem Henricum Regem eidem Catherinæ Reginæ super invaliditate, ac fœdere dicti Matrimonii quomodolibet factas, et præstitas fuisse, et esse illicitas, et injustas, et eidem Henrico Regi super illis ac invaliditate matrimonii hujusmodi perpetuum Silentium imponendum fore, et imponimus, eundemque Henricum Angliæ Regem in expensis in hujusmodi causâ pro parte dictæ Catherinæ Reginæ coram nobis, et dictis omnibus legitime factis condemnandum fore, et condemnamus, quarum expensarum taxationem nobis posterum reservamus.

Ita pronuntiavimus I.

Lata fuit Romæ in Palatio Apostolico publice in Consistorio die 23 Martii, M.D.XXXIII.

BLOSIUS ³⁵.

³⁵ This document has been printed from a transcript made from the original broadside in the Grenville Library, 1542. The large type is in the original in black letter, the small type in Italics, the words *Pro* and *Contra* being alone in

Roman type. The Sentence has been printed by Legrand, from whom it was copied by Tierney, and appears also in a correct form in Foxe, from whom it was carelessly copied by Wilkins.

Number CCCLII.

Holograph letter from Sir Thomas Vaux to the Duke of Norfolk, reporting the Queen's protest against the title of Princess Dowager; written April 18th, 1534.

Otho, C. x.
art. 13.
fol. 177. MOST humbly beseeching your grace to take the rudeness of [these] my simple letters but as a declaration of the good [will] which of duty I ought to bear unto the king [his] highness my sovereign lord. By the which a[ls]o I am constrained to advertise unto your grace how [that], notwithstanding the monycion given here by my lorde [Montjoy] in the king's behalf unto all such usshers of ch[ambers] and other ministers of the same as were there prese[nt on] goode Friday in the even, and on the morrow all [the princess'] officers by me warned that from thenceforth she [be called] and be served at all offices for such things as [shall] appertain, in the name of a princess dowage[r, yet dai]ly now they serve and call for the queen, [which thing] my said lord for his part in the chamber nor [in the] houshold can well reforme, notwithstanding d[i]vers attempts made therefore. For here now they say that [they have] seen none authority why they should not so call her, but only by our rapportes. Also, perceiving h[ow] our maistres the princess here doth often and [vehemently] protest that she is queen crowned and ano[yn]ted, as I have myself heard her say, especially o[n Saturday] last to the sergient of thaccatry ³⁶ Mr. Hennyng and [other] the king's servants hither at that time resort[ing, how] that she suffered for the wrong, from the [which God] should deliver her, and how that she was the [king's] wife and queen of England, and that so she [would call] and take herself, howsoever any other should [repute] her, life enduring, not seying by wha[t cause she] should lose her name or dignity, not b[eing put away] nor divorced, with many other words openly [said in the]

³⁶ The *accatry*, sometimes spelled *acatry*.

chamber of presence, which were very [long and tedious] to rehearse.

Wherefore these premis[es weighed] and considered, it may please your grace [as soon] as ye can, that some letters under the [king's hand] may be hither directed, declaring [our duties] as touching the name and service of our maistres ^{fol. 177 b.} here, so that the same expressly published may be obeyed and my said lord Montjoy and I discharged from the blame and suspect which by our said maistres and divers other of her servants is daily imputed unto us, insomuch that for my part I had rather die in some other of the king's service than here to continue much longer. I have spoken to divers calling for the queen to use such term and name as was declared unto the[m] by the king's commandment, saying that if the sa[me w]ere not followed the offenders should be punished, [w]hich if it might stand with the king's pleasure [this] advice is thought very requisite that so[me m]ight suffer for the example of other. My lo[rd M]ontjoy will depart for four or five days on Mon[day ne]xt, to keep certain observances and fest in h[is h]ouse, in the honor of the noble order of the gart[er, Sai]nt George day, and as I think the rather [wi]ll thither resort because my lady his wife [is ve]re sick. In whose absence (I fear me) I [hav]e much to do, if I should rebuke or contrar[y them] of their negligence. Therefore under [your gra]ce's favour, I would beseech that it might [please you] to write unto Mr. Brian, that he should d ure into this house, in the absence of my [lor]d, to assist both me and other in the king's [service if cau]se should so require, or else at least [to order me to] depart or be sent for unto your grace for men wax here very strange. Thus of your favourable pardon, I have presum[ed] write requiring that I may somewh[at be inform]ed of the king's pleasure and yours, whereby I [shall be] instructed and comforted.

At Ampt[hill the 18th day] of this present month of Aprill.

Number CCCLIII.

Holograph letter from Gardiner to Cromwell concerning the imposing of the Oath of Succession; written on Tuesday, May 5th, 1534.

Otho, C. x.
fol. 171.

MASTER Cromwel,

After my most hearty commenda[tions] ye shall understand that receiving the commission from the king's highness for taking othes according to th[e late] Acte of his grace's succession, upon Wednesday last t[he 29th of April] I used such diligence for the execution of the said com[mis-sion] that upon the Monday following which was yesterd[ay were] not only assembled here at Winchester my lord Chamberlain and as many of the other commissione[rs] as were within the shire and might travail but [there also] appeared before us in the great hall of the caste[l there] my lord Audeley, a good number of ge[n]tlemen, all Abbots, priors, Wardens of fryers and the gov[ernor] of the fryer observaunts at Hampton now in the abs[ence of] the warden with all the curates of all the [other] churches and chapels within the shire, the [Isle of] Wight only except, which all did take [the said] othe very obediently, as this bearer can s[ignify unto] you. And at the same time the abbo[ts and priors] and curates did according as I had ord[er]ed, viz. all of] them, present unto us bylles of all [the names] of the religious and servants in their hou[s]es and of the] parishioners in their parishes menkind only [which are] above the age of 14. So as having befor[e marked out] the country and distance of one villag[e from] an other and made such a limitacion in . . . townes to fitte as the people shal n[ot have much]e] travayle in their apparaunce abov[e] We know what is to doo by the in it should be execute for the com people, and by all lightlywod wyl be or we canne overcume it. And in this latter point, if ye have respect to the acceleration of the matier, it is necessary

fol. 171 b.

ye knowe our lak here which is not I assure³⁷ of good will in those that be named commissioners, who have gladly and willingly taken upon them to do their parts allotted unto them. But of all that be named we be but 12 that be in the shire present and can attend it, and yet of those 12 two be custumers of Hampton and say they must attend upon the galeys and spend some time there; for the remedy hereof, if it be thought requisite to be remedied, I send unto you the names of such as be thought here mete to be [in the] commission for this purpose. Wherein ye shall perceive [is] a long work and will require a long tracte of ty[me], and it be not divided among many commissioner[s], considering specially that every man's name mus[t] be written as our commission purporteth and cert[ified] And yet hitherto we take men only for men a[nd] not women. Wherein I pray you write somewh[at] again of the king's pleasure that we err not. I [have] committed the effect of this matter to be declared un[to] you to this bearer whom I have likewise desi[red] to solicit your speedy answer. And thus m[ost he]artily fare ye well.

From Winchester, 5th [day of] Maye.

Your assured frie[nd]

STE. WIN[TON].

³⁷ *you* has been omitted by accident.

Number CCCLIV.

*Letter from Fitzwilliam to Cromwell about the Queen's
keeping her Maundy; written in May, 1534.*

Otho, C. x.
168. b.

MASTER Secretary,

After most hearty recommendations; these shall be to advertise you that the king's highness hath had consultation with [my] lord of Norfolk and with me upon the contents of the letter here inclosed; And forasmuch as it appeareth by the said letter that the lady princess dowager intendeth to keep a Maundy, alleging for herself that my lady the king's Graunt dame during her life kept a yearly Maundy and that divers and many houses of religion within the realm doth yearly the same, she thinketh herself as far bound, and may as well keep a Maundy as they. His highness' pleasure [is] that ye do advertise her officers whose names be subscribed in the said letter that in case she will be contented to keep her Maundy in her chamber secretly or openly in the name of princess dowager in like manner as my lady the king's Graunt dame did, in the name of Countesse of Richemount and Derby his highness is right well contented that she shall keep her said Maundy, as honorably and liberally as any lady hath within this realm (the queen's grace excepted). And [if] she will refuse so to do, but allege that she will keep her said Maundy in the name of Queen, T[hat] then they shall shew unto her that if she should attempt so to do, that not only she but also [her officers] and all such poor people as should receive her said Maundy should encurre too far in danger of [the] laws and of high treason. Which they er in any wise may suffer. And that they see [that she kep]e no Maundy, otherwise than in the name of prin[cess do]wager.

And thus the blessed Trinity have y[ou in his] blessed preservation.

At Richemount this May at night.

Your servant

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Number CCCLV.

*A Pamphlet printed in the year 1534, in defence of the
Abolition of the Papal Supremacy.*

A L I T E L

T R E A T I S E

ageynste the mutterynge of

some papists in

corners.

LONDINI IN ÆDIBUS
THO. BERTHELETI.
AN. M.D.XXXIII.
CUM PRIVILEGIO.

T R E A T I S E.

A. ii. FORSOMUCH that some controversy, at the first sight of certain books of late put forth concerning the bishop of Rome called the Pope, rose among the People, some marvelling that we should so suddenly relinquish and forsake that custom that had so long continued, and some were so blinded that they thought it should be against our faith, to forsake the Pope (but I think they that so supposed, did put more their trust in the Pope than in Christe). And the most part of that sort made none other reason but this: That if we do well now, thus to forsake the Pope, then all our forefathers did amiss, and so did we also, till this present time, which were under obedience and subjection of the bishop of Rome named Pope: and they believed that he had authority and power to make laws and to bind and leuse what and whom he would. This was the greatest reason that many men made; which I suppose they did either of affection or else through ignorance. I have thought it therefore very expedient to labour for my power to answer and partly to satisfy their doubts to the intent that after they know the truth they should be ashamed so to clatter in corners against it and also (all things known) against their own profit. And shortly to answer unto their fore made reason, I say that if our forefathers did believe the Pope to have had such a power and authority given him by God that he might make laws and order all matters and businesses of Christendom after his owne lust and pleasure (like as very many of them have done this viii. c. years and more), then were they blind and in a wrong belief, which thing I think verily they did not, but that all our forefathers as many as were learned and wise knew it for certain, that all such authority and power as the Pope had more than all other bishops or over and upon the same was not immediately given him by God, but he had it granted him by kings and princes and the consent of men, or else came by it by wrong usurpation and tyranny. For the same fathers knew right well that by the laws of God, all bishops were and yet now be in power and authority equal, and that the bishop of Rome in all points of

our faith and belief is subject unto holy Scripture and the General Council and may by the authority of the same as well be deposed for sufficient causes as any other bishop may. And this right well may they know that read such holy fathers as both for life and learning have been ever most approved in Christes Church, as Saint Ciprian, saint Hierom, saint Am- A. iii. brose, seint Augustine, with other like. The which thing surely could never have been true, if that the Pope (as some Papists both write and say) be head of the Church, and may do in earth what he will, and albeit that many good simple and unlearned folke have thought the great usurped power of the bishop of Rome to have been given to him by the law of God (hereunto induced by such as seeking their own profit in the maintenance thereof have been accounted learned), yet was not this matter unto them damnable, nor they therefore so much to be blamed but rather such as have seduced them herein. But this notwithstanding, to say truly in this matter, that is not so much to be regarded what our forefathers have done as what they ought to do. For as their good examples must be followed, so their yvel must be fled. Almighty God by the mouth of his prophet Ezechiel saith: *Walk not in* Eze. 20. *your fathers' rules, neither keep their judgments, ne be not polluted with their idols; for I am your lord God, but walk ye in my commandments (saith he) and keep my judgments and fulfil them,* etc. Also Sainct Paule, one of our best fore- 1 Cor. ii. fathers, biddeth us follow him even as he followed Christ. Mark now. He saith even as he followed Christe; meaning that in no case we should follow him whereas he swarved from Christe. Wherefore if any of our forefathers, of ignorance, or for their own glory or lucre, have brought any custom into Christis church contrary to truth and his holy doctrine we ought of duty (refusing such erroneous custom) to follow the truth; for if Sainct Paule himself which with a fervent zeal kept his fathers' traditions and laws, yea, and fiercely persecuted the transgressors of the same, had walked still in his fathers' steps, and had not forsaken them to come to the truth, he had never been saved. Hereunto accordeth Saynete Augustine's words in his second book entitled *De unico baptismo*. Truth once known, saith he, custom must give place to the truth; for who doubteth that custom ought to give place to the truth once

published. Nor let no man prefer custom afore reason and truth, for always reason and truth putteth custom out of place.

C. si consuetud.
di. 8.
Io. 8.

To this saying of Saint Augustine agreeth saint Gregori writing thus. If per case thou layest against us custom, it must be regarded that our Lord saith: I am the way, I am the truth, I am the life. He said not that I am old usage and custom but the truth. And certainly (as Sainct Cyprian saith) every custom, be it never so old, never so common and general, is to be utterly forsaken for the truth's sake; and that usage that is contrary to the truth is utterly to be destroyed. Wherefore notwithstanding any usage or custom, it is lawful and standeth very well with God's word, the truth once known, to withdraw our obedience from the bishop of Rome; by over much obedience unto whom of long season we have been seduced and led out of the right way, and have allowed many of his vices for high virtues.

2. q. 7. c.
Admonendi.

Hereof Saincte Gregorie warneth us to take heed, saying, Subjects ought to be admonished not to be obedient unto their prelates more than is expedient, lest whiles they endeavour themselves to be obedient to men more than need is, they should be compelled to reverence, allow and preysse their vices.

Gal. 2.

See here Saint Gregori alloweth not such obedience whereby prelates' vices should be maintained. And surely in such things wherein they openly slander the Church, it standeth right well with the law of God openly to reprove them; and from this the bishop of Rome although he were ten times called Pope, is not except; or else we must needs grant that Saint Paule did amiss which reproveth Peter (that is called the prince of the Apostles) even in the face, that is to say before the whole congregation of the Church. If Saynt Paule did thus to saint Peter, that was instituted by Christe himself and when Saincte Peter erred not in his faith, but for eating of meats prohibite to the Jewes, which was but a ceremony and at that time having no strength; how much more then ought the Pope to be reproveth of all good Christen people, the which being chosen and instituted by men without miracle or revolation (I will not say oftentimes by symonie) doth not only flee from the following of our saviour Jesu Christe, and his

blessed Apostle Peter, whose successor the Pope and Papists say that he is, but also he excludeth clene Christe with his mekeness, poverty and obedience expressed in the holy evangelists, and for Christe he wolbe knowen, and for Christis laws he bringeth forth laws and traditions of his own devising, the which wollen him to be lorde and syre over all, to be strong, rich and mighty, and that all men should be obedient to his will.

And although some bring in, in this place here, this text *Credo sanctam Ecclesiam Catholicam*, it can little help their argument; for I suppose that there was never wise men so far overseen, neither of our forefathers nor of those that be in our time that believed that the Pope is the Catholic holy Church, but they knew well that he is but a member thereof, and the child of our mother the holy church (if he be a true Christen man) and brother to every Christen man.

And for a plain proof that this is true, our Saviour Jesu Christ taught us all to pray one prayer—*Our Father that art in heaven*, etc. Then seeing that we all have but one Father which is in heaven and one mother, the holy Church, in earth, it is manifest and clear to all the world that the Pope and we be all brethren (if he be a true Christen man). And then seeing the Pope is our brother, why should not he have and abide brotherly correction, according to the law of the Gospel; where Christe saith, If thy brother offend thee correct him between thee and him alone. Mat. 6.
Mat. 18.
Luc. 17.

And if some will yet say (supposing that he hath such authority of God as he presumeth to have) that the Pope ought not to be thus laid unto, and so sharply constrained to shew to the world what authority he hath to do, as he long hath done, as for example to dispense in any case against the law of God: then the Apostles and brethren ought not in Judea to have laid it to Saint Peter's charge, when he was come to Hierusalem, and constrain him to shew the reason why he visited and taught Cornelius the Gentile, with whom by the Jews' laws he ought not to have companied, and therefore let no man think but that our forefathers took the Pope alway to be a man, a sinner and such a one as might well err and such a one as ought much rather to be examined of his life and state than the holy Apostle Peter for visiting of Cor- Act 11.

nelius: yea and our forefathers never took him for any other but such one as might well and ought to be reformed, corrected, yea and clene deposed and put down as many Popes have been in times past, by kings and princes, whereof no man is ignorant, that hath read the stories that intreat of the business of Christendome. And therefore no man ought to marvel and mutture in corners, as though we should now attempt a thing in Englande which our forefathers had never attempted in times past.

Jac. 1.

For undoubtedly all men that were before time which were wise and well learned, and that knew Christe and his doctrine, and that willed Christe and his doctrine to reigne and to be known and followed of all Christen people, did abhor the pompous and worldly state of the Pope and his traditions that he made to uphold the same: and they spared not to speak and write against his abominable abusions; and for that cause they were alway put either to silence or else to death by the great princes of the world, at the instance of the Pope and his papists, of whom there is sprung up too great a number in every region and country: and all that was by reason that the noble princes themselves were unlearned, and could not judge in such matters but they gave alway credence to the false, subtle and sly persuasions of the Pope and his bolsterers. But now, thanks be to Almighty God from whom cometh all goodness, the father of lights, the princis hartis beginne to be lighted with the knowledge of Christis doctrine, and they begin to perceive what wey this wily wat hath walked all this long while: and what great hurt wrong and oppression they have suffered. And how much more injury he intended to do to our most gracious sovereign lord the king, whose highness, with his most honorable council have been constrained by their great labour and study to try out the truth. For if they themselves had not by their diligent study sought out his false fraud, the Popish forme should never have been reformed, nor it should never have been knowen that the Pope is but a bishop in his own diocese, and that he ought to preach and teach the people, and that he ought not to occupy lordships of this world, but utterly to refuse all worldly honour, delight or pleasure, in riches and renome as Christe and his blessed Apostles did, whom he ought to follow.

¶ AND furthermore to say, that the king's highness is displeased because the Pope will not follow his grace's mind in his most weighty cause, is a saying both false and untrue, and it beseemeth us loving subjects so to surmise. For the very truth is that his grace hath of long season utterly refused the Pope's judgment in his great and weighty cause, and not now suddenly, as these men imagine, and hath committed the handling thereof unto all the best learned universities and to all the best learned men in Christendome, as unto such that for their learning could best judge in Goddis law, whereon his grace's cause wholly hangeth, never intending to stand to the Pope's judgment, unless he judged the same that the law of God would him herein to do, and that not because of his power and authority but for the truth's sake. To the which learned men and universities' determinations (as a prince most just and virtuous) he always offered himself to stand and abide, and according thereto hath now prosecuted his cause; which thing ye may well wit his grace would never have done except he had seen the law of God clerely on his side. Nor so many universities and excellent learned men would never have so determined except it had stande stiffly with the law of God.

If his grace's matter had not been, as afore is said, it had been far more easy for his highness, if he had reckoned the Pope's authority sufficient therefore, to have shortly corrupted him, being but one man the which thing is easy to be done; than with so great and importable charges, and with so long tract of time, to have sought for the truth in so many universities, in which are so many men of divers opinions and wits. And according to the truth, thus well and orderly known, his grace's cause hath been by sufficient authority of the Church of Englande, fully ended and determined: wherein no man ought to doubt the holy goste to be resident as well as at Rome, as right well may appear by the epistle of Affricane Council written unto Pope Celestine.

¶ And yet for further contentation of all men, so that none, either learned or unlearned, should be with his grace's most just cause and doing herein offended, considering that a great part of the world did believe, as many yet doth (other-

wise than truth is), that the Pope by Goddis law hath authority above all other bishops to hear and determine causes within this realm of Englande: his highness attempering himself to the infirmity of the multitude, when he might lefully have withstanded by his own authority the Pope's usurped jurisdiction (whereby he would have enforced our sovereign to the breach of the law of God), and might right well unto him have said,—We must rather obey God than men, he hath from all such usurpation and other injuries wherewith the Pope would, if he had been suffered, have aggrieved his highnesse: from all these (I say) he hath appealed unto the General Council and is herein like a true Christened and catholike prince very well contented to abide such determination as the said Council next to be assembled in our Saviour Jesu Christe shall ordeyne.

Act 5.

B. ii.

Nothing hereby doubting the justness of his cause, so manifest to all the world: nor hereby bringing his said just cause already well and sufficiently determined into controversy and new suit; the which to do is not his grace's purpose.

And admit that the Pope had as great authority as he usurpeth, and as the Papists would fain bear men in hand that he hath, yet could he lette no man to appeal from him: for that were clerely against the law of Nature, which is not contrary to the law divine. For then a man being harmed or wronged by the Pope, either in body, members or fame, should not in this case be holpen nor eased. And if it be leful for any Christen man whatsoever he be, to appeal to the Council General as it is indeed: then what injury doth the Pope to our sovereign which doth all that he can to drive him from his appeal. Yea what injury intendeth he to all men which labouring to make our prince and king a president, woll in time to come suffer no man to appeal from his cursed court.

¶ AND though it were so that the Pope (admitting him to have such authority) did to no man but according to the will and word of God: yet he can not choose, but is bound to shew the reason why he so doth, before the Church, which the General Council gathered in the holy goste doth represent: like as Saincte Peter in Hierusalem, where the church

was, did mekely make answer unto those that were of the Act 11. circumcision, which disputed against him, saying—Why hast thou entered in among and eaten and dronke with those that be not circumeised? To this the holy apostle did not only humbly and mekely and werynge, shew them the cause why he did it; but also he gave a lesson to all them that should follow him, humbly to do likewise. Be ye ready alway, saith 1 Petri 3. he, to answer and satisfy every man that asketh you a reason of your faith and hope with meekness and reverence.

¶ BY all these reasons it is to you evident that our sovereign hath now right good cause to open unto you what manner of person the bishop of Rome is, the which after many monitions, refuseth at length to hear the church, that is to wit, the General Council, but will himself be judge at his own pleasure: he forcethe not for the doctrine of Christe, nor for the example of Peter, nor his teaching, but saith he will be obeyed, and according to his laws, the which be none other but his own will he wol have us do.

¶ MORE over, if any Papist will come yet forth and tell you that the Pope may do what he will, and may bind and leuse what he lysteth here on earth, because Christe said to Peter, I wol give to thee the keys of the kingdom of heaven, Mat. 6. let him not therewith blind and deceive you: for saint Augustine, speaking of these keys in his first book *De doctrinâ Christianâ* saith thus: Those keys he gave to his church, that what soever the church would leuse in earth should be lowsed in heaven; and whatsoever the church should bind in earth should be bound in heaven. Now it is well proved to you before that the Pope is nother the Church nor the head thereof, but a member (if he be a Christen man) and the child of our mother the holy church.

AND further if any will yet tell you that at the least wise the Pope hath the keye of divine knowledge, whereof Christe speaketh, *Lucæ xi.*, whether he so have or no, ye shall perceive it thus: The gloss saith that this key is the humility of Christe, the which whoso hath, hath the gate open to the understanding of Scripture. Now take heed and see whether the Pope have this humility. Christe the very son of God did humble himself even to the very death, yea to the shameful death of the cross. The Pope (ye see very well) woll be exalted above *Philip. 2.*

all other, in so much that kings, princes, dukes and lords must kneel to him and kiss his feet, and do him all the honor and worship that can be devised in this world. Wherefore it appeareth plainly that he hath not this key of knowledge which is Christis humility.

¶ ALSO this key of knowledge may be taken and called the faith according as Esaye the prophet saith. Except ye woll believe ye cannot understand. Now mark well whether the Pope have this key of faith or no. Christe saith that he that hath as much faith as a little mustard seed shall be able to command mountains to remove from one place to another, and there should be nothing impossible unto him. And again Christe saith: All things are possible to him that believeth. And again yet he saith in another place: He that believeth in me shall do the works that I do, and greater than those. This is to understand that, if the Pope were joined to Christ in his faith, as the Apostles were, he should be able to do like as the Apostles did, that is to wit, by his preaching of the Gospel truly he should convert and turn nations of misbelieving people to the faith of Jesu Christe, which thing all the world seeth plainly he doth not: but by his pride, his tyranny and most grievous exactions he hath and doth (I fear me) compel great multitudes of people and whole countries and nations to forsake the faith of Christe. Wherefore seeing he hath nother the keys of heaven, nor the key of divine knowledge, nor the key of faith, I can perceive none other but that he is the unsavory salt whereof our Saviour Christe speaketh in the Gospel, which is no better worth but to be thrown out of the doors and to be trodde under men's feet.

AND now to come to a conclusion of this little treatise. Whereas it hath been spoken of many and divers that it was a merry world before men spake of any such matters, that is to wit, to have any reformation among them of the clergy, and before that men began to set light the Pope and to call him the bishop of Rome: that is as wise a saying and opinion as this is of them that say, since the crying down of Galy halfpens the learning of Duns never prospered. And also since Tenterdyn steeple was builded Sandwiche haven hath ever more decayed. But I pray you behold how the favourers of blind abusion would fain blow abroad smoky and misty

reasons to dark and dim men's eyes withal. They say it was merry before such matters were moved, but they tell not what time it was, with whom, nor wherein it was merry. And if they mean that the nobility and commons of this realm of Englande had more riches and greater plenty of food and vitaille, and lived in much more wealth and more at their heart's ease in lawful liberty; then let them consider that this was before the Pope and his clergy were grown so great, so strong and mighty, and to so huge possessions and riches as they welde at this day; for before that time they preached the Gospel truly, they were meek and lowly spirited, and sufficiency was to them abundance; they were charitable, they were mild and merciful and gave good example, and men gladly followed them; then reigned love and liberality, then there was peace and unity that caused great plenty in every place. But after they were once endowed with possessions and their minds inordinately drowned in them and that covetousness began to creep in among them, after that (I say) followed all mischief and misery, all wretchedness and penury. The Pope he polled a pace for his part; yea whom would it not make right sorrowful and heavy in heart to remember what ryches this cursed caytiffe the Pope hath polled out of this realme by the space of these three hundred years, yea within these 40 years, or within these 20 years. What pilleth he yearly, what mischievous means doth he invent and seek out to rob and spoil us of our wealth. What laws hath he devised, what legations, what and how many divers courts, what dispensations, what pensions out of abbeys exempt, what Peter pens out of parishes, what reservations, what constitutions, what citations, what suspensions, what pardons, what kind of cursings and blessings and absolutions, what wyles, what gyles, what frauds, what devilish deceipts and snares are daily covertly couched to catch coin from the people. Oh good lorde, how the Pope and his ministers daily devise and practise to polle and pylle the people of this realm of their money. And yet I speak nothing of the great unquietness and vexation that many sely souls have, over and besides the loss of their goods. He the most unhappy patron and his, be the very cause of all our misery, of all our scarcity, and of all our vexation and trouble. Who be the occasion and stirring up

of war and strife in Christendome but the Pope and Papistis? Look, who so lysteth, and he shall surely find that the Pope and his, to save and keep up still their pompous and worldly state, have alway been the inventers of mischief, and destruction of people, by their ungodly instigations of princes to wars. Yea, if the truth should be shewed of the great ruin that hath risen by them and their means in Christendome, it would abhorre any man, were he never so partiall on the Popis side, either to read or hear it. But I will let that pass. I am right sorry that we should have cause to shew you so much of him as I have, save alonely I would all such as be blinded or be ignorant should perceive, that our most gracious sovereign lord the king is most specially moved to do as he doth of his princely pity and zeal that his highness beareth to his true and loving subjects. Surely I say this his tyranny and pillage in manner constraineth the king his grace to deliver this his realm from the captivity and bondage of the Pope and keep within the said realm (for the wealth and safeguard of the same) the great and huge sums of money that were wont to run to Rome.

¶ AND if it be not sufficient enough to persuade some of you to see and so clerely to behold how clene contrary to the law of God the Pope demeaneth himself, the which he is bounde, in all that ever he may do, to follow, then at the least wise, let the great misery and pore state that this most noble and sometime the most flourishing realm of Christendome, is brought into by the pollynge of the Pope, move and stir you to stand stiffly with our most benign and loving sovereign lord and prince, that is fully bent and goeth about to rid his realm of this thralldom, and to restore and bring it again out of poverty to plenty, and from ravyne to riches, and from trouble and grievous vexation to quietness and rest, and so finally to all the former wealthy state, whereunto as good and true subjects, with all your hearts ye are also bounde by the laws of God, his quarrel being thus just, and he intending so great a commodity to all the realm. According as the holy Apostle Paule saith: Let every soul be subject to the high powers, for the powers that be are ordained of God. So that he that resisteth the high power, resisteth the ordinance of God. And they that resist seek their own damnation. Look how straitly

Ro. 13.

the Apostle bindeth us to the obedience of our prince : for in the same chapter he nameth none other powers but only of princes.

And the holy Apostle Peter likewise doth command us to Petri 2. demean ourselves like lowly and obedient subjects, whether it be to the king himself as to the most chief and excellent of all, or else to the dukes and governors that are sent by him. And consequently he saith, Honour the king. Now seeing that we be commanded by the holy Scripture to love, to obey, and honour our prince not only outwardly in our bodies but also inwardly in our hearts, without any dissimulation or feigning, and that because he is the minister of God—and doth represent and occupy the place of God here in earth : how much more then are we bound to love, to obey, to honour and aid our most gracious prince with all our very hearts which specially for our sakes taketh so great pain and that so diligently doth seek the means how to rid us out of bondage, out of misery, out of need and vexation, that we be brought unto by the covetousness of the bribing bishop of Rome (the which by that name of Pope polleth and pilfereth away the riches of this realm), and that so much mindeth to restore us to all our old wealthiness and liberty again.

THUS ye see plainly proved to you by reason and authority of holy Scripture that we do none otherwise in our time now than our wise and well learned forefathers did, though the time would not suffer them to bring to pass their well intended purpose. And it is shewed that the old holy doctors of Christis Church affirm that nother custom nor usage should c. i. be regarded when the truth once appeareth, but the truth should be embraced and followed.

AND also it is well proved that our prince and sovereign doth it not now for or of any yvell will or displeasure : for they that either so think or say, do think and say untruly, and besides that, in their so doing, they greatly offend God : for it is written : Thou shalt not speak yvell by the prince of Gen. 22. the people. And again it is written : In thy thought thou Eccl. 10. shouldest not detract the kinge.

AND it is likewise manifestly proved that though the Pope had as great authority as he usurpeth and taketh upon him to have ; yet could he let no man to appeal from him.

c. ii.

AND it is likewise proved that the Pope is neither the catholyke holy church of Christe, nor yet the head of the same, but if he be a Christen man, he is the child of our mother the holy church, and brother to every Christen man.

AND finally it is likewise shewed that the misery, need, poverty and scarcitie that we be in cometh altogether by the Pope and his means, from whom and whose captivity Christe deliver us that bought us on a tree. Amen.

F I N I S.

Number CCCLVI.

A contemporary account of Fisher and More; preserved at the Vatican.

DE Joanne Fischero Episcopo Rofensi, et Thomâ Moro,
Britannis.

Vatican
Tran-
scripts.
Addl. MSS.
15,387.

Exempla casuum humanorum nusquam alibi crebriora, quam apud Britannos invenias; apud quos vis et potestas nimia Regum sæpe in Principum cædes, suppliciaque erumpit. Nec Regum ullus plura quam Henricus de quo supra retulimus suppeditavit, tot viris famâ, genere, opibus, claris truculentâ rabie necatis ob negatum sibi divinarum rerum jus, quo se in Angliâ sacrorum Principem et caput Ecclesiæ appellari habere volebat, ut tantæ crudelitatis causa crudelitate ipsâ importunior ac detestabilior esse videatur. Nos perpauca selegimus. Maxime autem illustria fuisse sunt visa quæ in Joanne Fischero et Thomâ Moro idem edidit Henricus. Quæ quidem virorum ipsorum dignitas, atque virtus, haud minus quam fortuna atque amplitudo nobilitavit. Nobis conjungere utrumque, ac in unam conferre narrationem titulumque, consilium fuit, quod eodem mortis genere, iisdem diebus ab eodem Tyranno, eandem ob causam interfecti, parem quoque constantiam in perferendâ injuriâ præstitere, pari uterque gratiâ apud ipsum floruerat Regem, denique pares utrique doctrinæ atque innocentiae laudes summo omnium consensu tribuuntur.

Fischerus Episcopus Rofensium fuit, in eoque obeundo atque implendo munere magnopere hominis diligentia sanctitasque enituit. Nam et sacra pie casteque procuravit, et commendatos fidei suæ Populos in cœlestis vitæ præceptis gravibus, crebrisque concionibus studiose erudit, et salutaribus legibus revocatis, aut novis conditis, ita corruptissimo sæculo rexit hominum mores, ut speciem antiquæ probitatis in suis hominibus retulisse videretur. Et ut religionis studio, et amore in Populos curæ suæ traditos non cupidine aut ambitione ullâ hæc ita facta institutaque fuisse ab illo intelligas, ne Regis

quidem auctoritate adduci unquam potuit, ut se ad ampliorem opulentio-remque ecclesiam transferri pateretur. Negabat enim deserturum se sponsam, quæ primum sibi obtigisset, et in quâ ornandâ excolendâque tantopere laborâsset. Ad hæc, scriptis atque editis libris, Catholicæ pietatis fidem illustravit, confutavitque hæreticorum pravas opiniones, et maxime Martini Lutheri causam egregio volumine jugulare est visus, ipso statim initio furem egressus. His excellentem religionis atque ingenii laudibus Henricus, præclarus tum veræ virtutis fautor, Londinum ad se evocavit, ac adjutus maxime ab illo esse creditur in eo componendo et conficiendo libro, quem Henricus ad Leonem Decimum contra Lutherum scriptum vulgavit. Cæterum Fischerum, et in præcipuo semper honore atque dignatione habuit, et multis ac magnis in rebus operâ et consilio ejus est usus, donec ex summo illo, ac præstanti, et viro et Rege in tetram ac feram mutatus belluam omnia jura humana, divinaque libidini suæ subjecit, ac furiis ac furore percitus confudit et perturbavit, Reginæ injuriâ, fœminæ clarissimo genere, claro item Rege ortæ, spreto Pontificis maximi judicio, tam contumeliose Regno conjugioque objectæ, cum omnes ingemuere boni, tum prudentissimi quique id veluti futurarum cladum omen acceperunt. Quidam ne illa videre, neu sermones hominum, vultusque, et inde offensionem incurrere Regis cogerentur, per excogitatas sibi quisque causas, Republicâ Regeque omisso, Londino domum discessere. Quibusdam manere, et rem sibi non probari haud obscure ferre audacia fuit; atque in his fuere Morus et Fischerus, quibus, ab optimæ mentis conscientia, instar culpæ est visum ullius metûs suspicionem præferre: et ut Regiâ haud inviti cessere, ita ab oculis Civium abscedere neutri consilium fuit. Et Rex implacabilem in hos iram conceperat; ipso statim initio conatui ejus adversati fuerant, et palam Reginæ faverant causæ, et cum utriusque summa dignitas, summaque apud omnes prudentiæ atque integritatis opinio esset, eorum auctoritate magnopere multitudinem permoveri intelligebat. Ergo utrumque, post abjectam Reginam, in vincula conjecit, ac diuturno quindecim mensium carcere maceravit. Interea lata lex est quod sanctius ipsi habent, et delectis ex omnibus Regni ordinibus constat, quâ, ut summus in Angliâ arbiter, ac magister sacrorum, et, ut ipse se dixit, supremum Ecclesiæ Caput

Rex ab omnibus et haberetur, et appellaretur, sciscebatur, et capite sanciens si quis huic legi assentire abnueret. Quod adeo exactum ab omnibus est, ut ne tacitis quidem dissimulare rem non novam modo, nec ante auditam, sed impiam prorsus, et execrabilem, liceret. Interrogabantur enim nominatim omnes quicumque in aliquam Regi suspicionem venissent; et ante alios a Fischero et Moro, quid de eâ lege sentirent est quaesitum. Etsi enim hos maxime oderat Rex, quibus sua scelera etiam arcana cognita esse haud ignoraret, tamen quia magnum ad multitudinem pondus habiturum videbatur, si et novam legem, et remissum Reginæ Nuntium approbâsse viri pari doctrinæ atque innocentiae famâ spectati dicerentur, magnopere eos trahere in sententiam cupivit, ac sæpe qui constantiam tentarent, atque eos ad gratiam Regis recuperandam, omissâ pertinaciâ hortarentur, unde non libertas modo iis, sed reditus quoque ad pristinam dignitatem esset futurus, summisit. Verum illi, ut dignum moribus atque antea vitâ fuit, neque metu abduci a fide ac studio veri unquam potuerunt. Et Fischerus quamquam imbecillâ valitudine, et gravi ætate, et carceris fessus incommodis, etiam libros scripsit, quibus de matrimonii sanctitate, deque novâ Regis appellatione luculenter suam est sententiam prosecutus, quos postea libros Henricus magnâ diligentia conquisitos supprimendos abolendosque curavit. Interea Romæ Paulus Tertius Pontifex Maximus, quo Regi verecundiam ultra sæviendi in virum tantis et literarum et fidei ornamentis præstantem injiceret, simul constantiam ac virtutem ejus remuneraret, eximioque honore illustriorem redderet, cumulatum amplissimis atque veris laudibus in Cardinalium Collegium cooptavit. Verum quod sedaturum remotionumque acerbis atque impetum Regis crediderant homines, apud trucem atque efferatum animum irritamento, ad exsatiandam immanem rabiem, accelerandumque sanctissimo viro exitium fuit. Eo quippe honore perstrictum se contumeliâ, atque injustum importunumque odium in virum, cujus virtus externis luceret nationibus, sibi exprobratum existimans, atque inde iram intendens, conditionem Fischero ferri jussit, aut Regi, quod leges Patriæ in sanctiore Angliæ concilio latæ honoris decrevissent, ratum haberet atque in id jusjurandum daret, aut supplicium quod Majestatis violatoribus deberetur subiret.

Cum ille cumulatam se quidem omnibus honoribus Regem cupere, sed qui tribui salvâ religione possent respondisset, productus, ut mos genti, ad iudicium Tribunal sistitur, a quibus indicta pœna est ut per urbem unco tractus, postremo strangulatus laqueo suspenderetur. Quo facto nihil tam ignominiosi ac fœdi supplicii denuntiatione territus, in carcerem eâ die est reductus.

Non multo post ad X. Cal. Julii, concesso minus turpi genere mortis, securi est percussus, cum ante omnibus coram precatus Deum esset, ut Regi cum prospero ac secundo vitæ cursu, sanam bonamque redderet mentem. Caput ejus, cui tributa paulo ante purpurei galeri ornamenta deberentur, quo majore ludibrio spectaculum atrocius populo præberet, prælongæ hastæ infixum, ostentari in eodem foro, in quo truncum jacebat cadaver, Henricus jussit; quod nullo turpi pallore deforme, et adhuc constantiam, quo senile guttur feriendum Carnifici præbuerat, in vultu retinens, multi obliti metûs, ac perpetuæ hominis innocentiae, sanctitatisque memores venerabundi cum lacrimis fletuque adorâsse dicuntur: eoque amotum Regis jussu, ne quid tumultûs in multitudine excitaret. Ferunt non multos ante mortem dies perlatam ad eum Cardinalatûs sui famam, acceptamque læto animo fuisse, dixisseque id purpurei coloris insigne datum Cardinalibus esse, ut meminerint vitam atque sanguinem, cum usus posceret, pro fide erga Catholicam Ecclesiam non dubitanter profundere; id unum se honoris ejus munus brevis impleturum.

Tertio decimo post die quam Fischerus ab insano et furenti Rege infando decreto est occisus, eâdem procellâ, ac turbine immitis animi Morus quoque est abreptus. Is magnam ingenii vim, quam naturæ munere fuerat adeptus, egregie ingenuarum artium studiis excoluerat; eo majori comitatis ejus atque solertiæ admiratione quod pedem non solum Insulâ, sed Londino ubi erat ortus nunquam extulit, ibique non aliis fere, quam qui in ludis mercede docent, in primâ ætate usus præceptoribus, non Latinas modo, sed Græcas quoque literas perdidicit, atque in omni liberali disciplinâ magis contentione animi et, ut dicitur, marte suo, quam ullis doctorum adjumentis usque adeo profecit, ut mox prolatis validi excultique ingenii monumentis magnopere inclaruerit. Quorum præcipuâ approbatione est acceptum volumen, quod Utopia inscribitur, in quo novæ Insulæ com-

mento optimæ Reipublicæ leges formamque exprimere est conatus. Aliarum gentium res, mores, instituta, percunctando legendoque, magnâ in id curâ, studioque adhibito explorata, cognitaque habuit, et exterorum amicitias, eruditionis famâ conciliatas, absens diligenter coluit. A juris civilis studiis, quibus adolescens intentam operam impendit, ad causas agendas in foro cum descendisset, et neque malas susceperet, et bonas summo studio conatuque defenderet, brevi fide atque industriâ tantum sibi nomen inter omnes fecit, ut unus maxime cujusque causæ patronus adoptaretur. Ab harum igitur famâ, et commendatione artium ascitus in Regiam, ac rebus adhibitus, ea gravis et constantis cum animi tum specimina consilii dedit, tantaque in homine ad magnas res, et gerendas, et sustinendas indoles enituit, ut eum Henricus Cancellarium Regni creaverit. Cujus magistratûs ea vis atque dignitas est, tantumque ei Anglorum legibus tribuitur, ut Regi proxima auctoritas habeatur, custodiæque ac potestati ejus Regium sigillum, quo literæ ac tabulæ publicæ obsignantur, tradatur. In quo quidem ille magistratu non prudentiæ atque industriæ minores, quam integritatis, fidei, modestiæ, religionis, humanitatis, laudes est promeritus. Quibus virtutibus, et Regi percharus, et magnâ apud omnes gratiâ fuit; magnum quoque apud exterâs nationes nomen famamque adeptus. Sed tanta et tam illustria vitæ ornamenta facile gloriâ mortis pro Christianæ pietatis institutis fideque constanter appetitæ superavit. Principio ubi Regem amore perditum ad cupiditatem repudiandæ Reginæ incubuisse sensit, pro suâ fide atque officio, quanta negotiî moles moveretur monitum, ut matrimonii fœdus sanctum haberet magnopere est hortatus. Deinde cum ob id alienatum haud dubie a se intelligeret, magisque non adulari jam ille se, quam impedire aut retinere mentem posse, ne aut assensum quod abominaretur animus, rei novi ac pestilentis exempli præbere, aut gravius offendere cogeretur, reddito Regi signo, sponte se magistratu abdicavit, et a Regiâ se, reque publicâ removens, quasi familiarium rerum curis et studiis literarum domi attineretur, raro in publicum prodire, et maxime congressus et cœtus vitare hominum instituit, haud ignarus apud insensum, aut invidiâ sui, aut assentatione in Regem multorum se criminationibus peti, ut mos Aulæ, dimotos semel locò delapsosque premendi certatim atque impel-

lendi. Cunctabatur tamen Rex aggredi hominem insontem, ac secundo clarioque rumore apud vulgus, et cui adversæ res favorem addidisse viderentur. Donec abrupto non pudoris modo, sed Religionis quoque respectu, ac omni divino humanoque spreto jure, Reginam conjugio Regiâque privatam in domum exigit, et cujus impotenti amore agitabatur Boleniam in thorum ejus induxit, et imposito solemnî ritu diademate, Reginam appellavit. Tum demum rem improbantibus indita vincula, et Morus ante omnes detrusus in carcerem. Et lex inde lata ut Regi sacrorum Principis, et supremi capitis Ecclesiæ jus esset. Postremo amissâ spe comminui aut labefactari fidem constantiamque ejus posse, interfecto, ut ostendimus, Fischero, Morum quoque tolli imperavit. Mos Britannis rerum capitalium reos ducere ad judicum tribunal, ut coram aut diluant crimen, aut facti pœnam meritos se, damnationi suæ assentiantur. Inter judices (sic præceperat Rex) sedebant Dux Nortfolcis, et Cancellarius, qui Moro nuper in eo Magistratu successerat. Hi, recitatis quæ crimini dabantur quæ multa et atrocia erant, qualia impio ac nefario Patriæ proditori objici possent, adductum in conspectum Morum nomine compellant et tamquam ultima merito, tollentes verbis clementiam Regis, spem non veniæ solum, sed pristinæ gratiæ faciunt, si in animum induxisset absistere aliquando pertinaci sententiâ. Morus tametsi invisio damnatoque supervacuum defensionem rebatur, tamen ne silentium, aut segnitiae sibi, aut superbiae aut adeo conscientiae delicti alicujus verteretur, se vero nihil causæ videre respondit, cur sententiæ suæ pœniteret, sed sibi adeo multa objici ut fesso debilitatoque diurnâ valitudine, carcerique vereretur, ut satis memoriæ aut virium ad ea refutanda suppeteret. Tum afferri Dux sellam, et considerare eum jussit. Et ille multa paucis complectens, cunctaque ad duo capita revocans,—Arguor, inquit, quod novissimi Regis consilii novæ ducendæ uxoris, veterisque repudiandæ dissuasor fuerim, nec ego inficior. Atqui quod sentiebam, quodque minime dubium arbitrabar, id summâ cum Religione, atque fide pro sententiâ attuli Regi, nec crimen hoc, sed officium fuit. Quid enim aut falsa pro veris, aut contra quam animus ferebat meus, quod sine perfidiâ ac scelere fieri non poterat, Regi suaderem? Et tamen ob id quando fides in crimine ponitur, satis videre possum mulctæ satis pœnarum dedisse, qui bonis

fortunisque amissis, et in Fiscum redactis, æternis damnatus vinculis, situ, squallore, sordibus, ut cernitis, obsitus quintum et decimum jam mensem carceribus claudor. Alterum accusationis caput est, negatus a me legi assensus, quâ Rex sacrorum arbiter constituitur. Quam legem conditam post me conditum in carcere nemo vestrum ignorat: neque ego de eâ appellatus ab uno scribarum, qui missus ad me in Carcerem venit, aliud respondi, quam ista ad me non magnopere jam pertinere, quem capite diminutum, ac Civium nomen exemptum de legibus respondere quid attineret, qui denique abjectis pridem humanarum rerum curis ad cœlestium contemplationem animum traduxissem? Id vos responsum seu contumaci mihi, seu cautioni, sive etiam calliditati vertere malitis, ad atrocis certe, atque capitalis rei crimen revocari, silentium non potest. Multo minus ego ob id majestatis a vobis condemnari. Neque enim ullæ leges, nisi maleficiis poenas statuunt, reticentiæ sane nullæ. Hic cum unus Judicum interpellans, eo ipso inquit, quod judicare te, et promere quid sentires, tam astute renuisti, satis est perspicue deprehensus animus alienus a lege tuus; satisque ex eo ipse manifesto Majestatis crimine teneris, neque enim cunctanter tibi, quæ amplificandæ Regis dignitati sit, sed aperte, ac studiose approbanda lex fuit. Atqui inquit Morus jurisconsulti assentionis vim silentio tribuunt: quorum est dictum, tacentem consentire videri. Et prompte quidem nec dubitanter, quæ in honorem Regis decernuntur, amplecti atque comprobare omnes debent; sed quæ Religioni non sint, quæque divina, ac sacrata jura non prohibeant. Magna pro bis omnibus Regis auctoritas, magna legum, sed major multo est Dei, et insidentis animo non vanæ, ac nuper adinventæ, sed confirmatæ, constantis, ac veræ religionis, cui humanarum rerum prævertere quicquam magnum est nefas. At etiam scriptæ a me e carceribus ad Fischerum literæ in spretæ ac violatæ novæ legis crimen trahuntur. Quas ego literas proferri, legique palam pervelim. Sed quando inflammatas dicitis a Fischero, sic habetote non aliud in iis, quam familiares, et suetos nobis sermones fuisse, et mutuas cohortationes ad contemptum rerum humanarum, quas fragiles, fluxasque esse magno uterque nostrum malo usuque didicisset. Unæ omnino fuerunt, quæ hanc attingerent causam. Cum enim ille ad me mississet, rogatum, quid ego nuper in quæstione de novâ lege respon-

dissem, id modo rescripsi, animum me meum officiis, ac religionis memorem consuluisse: idem ipse faceret; nec (quod sancte affirmare possum) plura respondi, neque aliud his literis continebatur.

Accusor postremo dixisse me in eâdem quæstione legem hanc ancipiti gladio similem videri, cujus esset acies utrinque acuta, ut in alterutram induci necesse videretur. Sic aut violandam Religionem, animumque fraude ac scelere inextinguibili obligandum, legem hanc si approbes, aut grave majestatis crimen subeundum, et corpus vitamque supplicio, ac pœnæ obnoxiam habendam, si refutes. Cujus dicti culpam magnopere onerat Fischeri responsio eâdem similitudine usi, unde conspiratum inter nos conditumque insulamur. Equidem me ita memini locutum; ut non tam esse ancipiti acie hanc legem dixerim, quam si qua lex hujusmodi ferretur difficilem habiturum alterutrius offensionis vitandæ rationem. A Fischeri responsum idem si est, id evenit, ingenii, morum, studiorum similitudine, non ullâ in id nostrâ consensione. Atque hæc a me sic dicta factaque sunt, ex quibus non ego improbe ac dolose ad infirmandam infringendamque novæ legis vim fecisse, sed multa de me ad vos Regemque falso ac malitiose delata fuisse convincuntur; neque meum crimen ullum esse hujusmodi, ex quo capite damnari juste possim.

Hæc cum Morus esset locutus, Judices, suo more, consilio habito, Chillini pronuntiârunt, quæ vox damnatum significat. Tum Morus non ignarus inquit, quid decreturi essetis dubiis ambiguisque responsis effugere quæstionis vestræ laqueos, atque ancipites mucrones novæ legis, et falso mihi objecta crimina paucis refellere sum conatus, sed ut illustrior Judicis hujus calumnia, iniquitasque appareret. At vero nunc quid de lege, ac de hoc statu Regis facto sententiæ habeam libet planius, apertiusque disserere, quo meam saltem liberem penitus fidem atque exsolvam. Septimus evolutus est annus, ex quo Rex cupiditate istâ dimittendæ uxoris agitari est cœptus, et mihi totum est hoc in libris literisque tempus consumptum. Multa pervolvi legique volumina beneficiario nomine accepissent, divinamque inde sibi arrogans potestatem, se ipsum summum in Britannîâ Sacrorum antistitem, et ecclesiæ caput appellavit, proque eo haberi colique a suis jussit. Adversantes, et religione se ac divinis jussis

excusantes atrocibus pœnis cupiditati suæ parere subegit. Thomam Volseium Eboracensem Cardinalem, quem ipse ad summam potentiam summasque opes extulerat, novæ uxori gratificans, iudicii metu ad mortem adegit. Ita qui primus Regi nefarii consilii auctor extiterat primus ultori Deo pœnas pendit. Thomam Morum, scrinii Regis Magistrum, et Joannem Fischerum, Episcopum Roffensem, duo clarissima Britannæ lumina, carceribus prius et vinctis trahere in sententiam conatus, ut a fide Romanæ Ecclesiæ et traditâ a Deo Religione nullâ posse vi, nullis ærumnis deduci intellexit, in forum abductos, inspectante atque in eo oblitâ servitii ingemiscente Civitate, securi percuti iussit, quorum Rofensis paucis ante diebus in Cardinalium Collegium fuerat a Pontifice Maximo cooptatus. Eidem supplicio et pari causâ Excestriæ Marchio, vir Regiæ nobilitatis, et Henricus Montacuti Regulus, et Edvardus Henellus sunt traditi: Arturus Plantagineta, ortus Edoardo Rege cum Honoriâ uxore, magnæ dignitatis homines, æterna in vincula sunt coniecti. Sed ne Thomæ quidem Havardo, viro bellicis laudibus Britannorum clarissimo pepercit, cujus virtute geminas de Scottis victorias retulerat, navalem alteram, quâ Andream Bartolanum hostium ducem, victâ ac profligatâ ejus classe, cepit; terrestrem alteram, multo nobiliorem, quâ Jacobum eorum Regem in acie occidit; sed apud amentem scelere atque impietate nullius meriti memoria satis efficax erat. Thomam non solum ipsum in custodiam abscissâ spe libertatis tradidit, sed, quo geminaret infelici seni calamitatem, de Henrico ejus filio Surrei Comite palam supplicium sumpsit. Reginaldum Polum Cardinalem, virum eruditionis et innocentiae gloriâ clarissimum, absentem proscripsit, præmia interfectoribus ejus constituit, tantâque libidine hauriendi sanguinis ejus flagravat ut percussores in Italiâ usque transmiserit qui aditus egressusque ejus captantes ex insidiis adorirentur, quinquaginta nummum aureorum millia iis pollicitus, qui Poli caput ad se in Angliam retulissent, irritatus maxime quatuor voluminibus, quæ Polus ad eum magnâ gravitate atque copiâ scripta misit, quibus suam interrogatus a Rege sententiam, haud minus libere quam pie ac discrete prompsit de novo titulo quo se Henricus sacrorum in Angliâ antistitem summumque Ecclesiæ caput nuncupârat. Cumque potiri ad cædem Polo aut cum per immissos sicarios obtruncare nequivisset, fratrem ejus natu majorem,

et quod multo immanius fuit, Margaretam matrem, anum septuaginta transgressam annos, fœminam optimam ac sanctissimam, et regiâ stirpe ortam, quia Reginaldum genuisset, et a Christianorum sacrorum fide abduci se non pateretur, securi percussit. Ac ne aliarum quidem fœminarum cæde cruentas abstinuit manus. Catherinam Reginam non contentus matrimonio suo exturbâsse, summâque ignominiâ fœminam clarissimorum Regum stirpe genitam affecisse, etiam veneno (ut fama tulit) aut certe perpetuis injuriis, et mœrore, et lacrimis confectam mori coëgit, cum usque eo fureret, ut communem filiam abdicaret, et omni principali honore spoliata remitteret matri, ac utrique sumptus vix in necessarium victum, privatumque cultum suppeditaret. Elisabetham Berthoniam Sacratam Virginem multa Britannis ob scelus Regis adversa vaticinantem, hortantemque precibus placare cœlestem iram, et Mariam, tum spretam abjectamque, post Patrem regno potituram prædicente, e sacrario Templi abstractam cum sacerdotibus aliquot divinarum literarum doctoribus idem incusantibus foro medio laqueis strangulatos, latronum more, suspendit. Alias item æque levibus de caussis, quod cædem virorum lamentarentur, necari jussit. Sacerdotum, et maxime Monachorum strage et sanguine omnia Monasteria inundârunt.

Multos tetris Carceribus conditos fœtore, fame, ærumnis consumpsit, alios unco tractos per Urbem, atque omnibus cruciatibus tortos laqueo suspendit, abscissâque inde reste, ante quam exanimarentur exenterari, secarique in partes jussit, alios vivos circumdatos flammis combussit; in quibus eximia constantia Carthusianorum fuit, quorum integrum Londinense Collegium juxta juvenes senesque varie laceratos necavit, quod se dicerent prohiberi Religione ne Regem sacrorum Principem appellarent, ut utra major insani ac furentis Regis immanitas, an Monachorum ipsorum ne fidem Religionis desererent, in perferendis cruciatibus animi firmitas fuerit, discerni haud facile possit. Libet subicere judicii formam. Adducebantur vincti ante Judicum Tribunal, inter quos dignitate ac sævitiâ eminens Cromvelius quidam quærebat ab Reis, an Regem sacrorum in Angliâ Principem agnoscerent. Conantes declinare tam præcisæ interrogationis telum, ac se Regi omnem cultum, fidemque, quæ divinis jussis non adversaretur, debere profitentes interpellabat Cromvelius, exige-

batque, ut, sine exceptione ullâ, Regi tam divinarum, quam humanarum rerum jus, arbitriumque tribuerent; tergiversantes, ac Religionem objicientes carnifici ad supplicium statim tradebat, atrocius in eos qui constantius respondissent. Ab eâdem causâ Franciscani, quorum erat in Angliâ ingens numerus, edicto Regis capti uno tempore omnes, et in vincula coniecti, ac diu rerum omnium egestate vexati sunt, quorum cum aliquot statim occidisset, reliquis, partim oblivione Regis, partim unius e Ministris studio, producta magis vita quam concessa est, nam denique omnes, aut palam supplicio affecti, aut fame necati, aut malo diuturni carceris confecti periire. Quorum Joannes Forestus quia sanctitate emineret, atque adeo quia Catharinæ Reginæ plures annos a sacris fuisset, eique piam ac fidelem operam navâisset, exquisitis cruciatibus est occisus. Brachiis enim deductis, et ferreâ catenâ ad patibulum revinctis, pendentem subjecto igne, lento supplicio tam diu torruerunt, donec totus inassatus atque exustus exanimaretur. Postremo ipsum Cromvelium, a quo incitari sævitia ejus consuevit, et quo crudelitatis ministro diu fuerat usus, interfecit, iratus illi, quod auctor implicandi se Germanorum fœdere extitisset, atque ei in suspicionem Luteranæ hæresis venisset. Ita Cromvelius, qui sævienti Regi materiam subjicere, et per ludum ac jocum supplicia exercere, et atrocia et insontes exempla edere, ac sæpe cum voluptate, ac risu spectare erat solitus, lætum ipse Populo spectaculum supplicio suo præbuit. Id quoque in Henrico mirum videri potest, quod qui a communione et societate Ecclesiæ, et Pontificum Maximorum fide non desciverat solum, sed hostilem in eos animum induerat, idem tamen hæreticos cujusvis sectæ omnes acriori prope quam nos odio insecraretur. In utrosque certe veluti ex æquo nocentes pariter animadvertit. Nam damnatos forte tres Calvinianos cum tribus Catholicis eodem tempore, eodem supplicio affecti, rarum exemplum simul damnari, simul duci, simul puniri, quique defendissent Catholicæ pietatis fidem, quique oppugnâssent, ac parem pœnam tam dispari causæ constitutam. Per omnes denique ordines suppliciiis grassatus, multa hominum millia carnificum manibus interfecit. Crudelitatem secuta avaritia est, sublati templorum sacerdotibus, templa ipsa per Insulam omnia, ut suam prædam expilavit, auro, argento, donisque, atque omni sacrorum instrumento, apparatuque detracto, latis-

simosque fundos, justis dominis per supplicia extinctis, sibi de fisco adjudicavit. Nec contentus tam fœdâ expilatione delubra omnia polluisse, ne quid sanctum inviolatumque immanitati suæ relinqueret, Thomæ Bechetii Cantuariensium Archiepiscopo quadringentos ante annos ob defensam constanter Religionem, ac jura sacrorum fortiter vindicata interfecti, et in Divorum inde numerum ob edita miracula relati, sepulchrum direptis donariis diruit, ac viri sanctissimi reliquias, ossaque disjecit ac dissipavit, ipsumque pro Divo haberi, aut omnino ullum ei cultum, honoremque tribui vetuit. At ne nova quidem nupta, postquam amplexibus ejus exsatiata libido est, sævitiam ejus effugit. Quam adulterii cōpertam cum Georgio fratre, ac reliquis flagitii ejus sociis capite plecti in foro jussit. Ac die posterâ Joannam Semeriam duxit, cui parturiendi difficultate graviter laboranti, laxatis omnibus membris, quo partui egressum patefaceret, necem attulit, sive (ut alii tradidere) antequam exanimaretur secari uterum, atque extrahi fœtum imperavit, maturum, et qui Patri superfuit regnavitque. Tam atrociter matrimonia exercenti, quartæ tamen non defuere nuptiæ, Annæ Clivensium Reguli filiæ. Quam ipsam libidinoso, et novas quotidie formas appetenti, minus placentem, septimo postquam duxerat mense dimisit; et Catherinam Havardam insigni pulcritudine, et mollioribus commendatam moribus duxit. Verum ne in hanc quidem elementior est inventus. Pari enim crimine ac priorem Annam damnatam publico supplicio affecit. Atque ad sextas inde nuptias transiit, Catherinæ Pariæ, quâ ut potiretur, virum cui nupta erat fraude sustulisse est creditus. At ne sic quidem effrenatam libidinem domi continuit, quin per matronarum nobilium stupra vagaretur. Sed usque adeo licenter, et legibus et hominibus illusit, ut qui uxores contra omne jus atque fas ex libidine ducere, ac dimittere consuêset, legem de nuptiis ferre, ac matrimonii jura statuere matrimoniorum eversor non sit veritus, sciveritque, ut inter quos consensu primum, deinde etiam concubitu contractæ nuptiæ essent, iis vera conjugii necessitudo, quæ nisi morte dirimi non posset maneret, immemor prorsus non Catharinam modo ab se, sed Annam Clivensem paucis ante diebus repudiatam fuisse. Nec magis pius in Mariam filiam priore uxore Cæsaris materterâ natam, fuit (filius enim eâdem matre natus adhuc infans decedens paternæ sævitiae injuriam præmaturâ morte effugit).

Hanc invisam, quia matris ignominiae indoluisset, et a priori Religionis fide abduci se non patiebatur, abjectam, servilemque in modum habitam, lege de Consilii sententiâ latâ, ut matrimonio non justo ortam, paterni Regni hæreditate privavit, translato jure in Elisabetham novo matrimonio genitam, quam et Principem Angliæ appellavit, quamquam id quidem ultimis annis, cum pœnitere eum impii consilii, flagitiorumque cœpisset, mutavit, ac testamento Elisabethæ prælatam primo loco post filium hæredem dixit. Per hæc scelera cum cresceret illi ex ipsâ sævitiâ, sæviendi materia, et plerique Principum tenaces priscae sacrorum disciplinæ in peregrinos se ritus compelli non sinerent, execrarenturque inde liberius Tyranni mores, etiam gravis eum seditio excepit, et aliquot Populi arreptis armis priscae religionis jus vindicaturi videbantur. Sed Henricus missis, qui blando alloquio mulcescerent iras, atque prolixè omnia pollicitus quæ multitudo postulâsset sedavit in præsentia tumultum, et mox per varias causas traditos in custodiam multitudinis duces numero ad triginta interfecit. Postremo, tot facinorum conscientiam stimulante animum, sibi ipse invisus esse cœperat. Nam scelera plerumque auctoribus ipsis in supplicium vertunt. Ac ferunt eum quotidianis prope conviviis et comensationibus studiose operam dedisse, ut multo vino obruta mens a cogitatione tot facinorum, et prioris vitæ atque gloriæ memoriâ averteretur. Cujus desiderio sæpe ingemuisse eum, nec lacrimis temperâsse satis constat. Ultimi anni cum Regnum peregrinis Religionibus oppletum atque omnibus sectis, doctrinisque patefactum animadverteret (neque enim rescisso vinculo, quo Ecclesiæ Catholicæ jungebatur, arceri Angliâ ullis pœnis hæ pestes potuerunt) seque ingenti omnium odio, invidiâque flagrare sentiret, sui adeo pœnitere eum cœpisse Britanni ferunt, ut de reconciliandâ gratiâ cum Pontifice Maximo agitâsse, idque Regi Galliæ primum, deinde Episcopis aliquot Regni sui aperuisse affirmant, sed rationem viamque ejus rei exquirentem mors, intemperantiâ ac nimiam saginâ corporis accersita, oppressit virum, cujus neque virtutes neque vitia exponi satis pro merito tradique posse videantur, in eo certe memorabilem, quod repente vitam, mores, ingenium, seque ita immutavit, ut ab numine aliquo transformatus in alium videre potuerit.

Number CCCLVII.

Letter to the King from the Earl of Derby and Sir Henry Farington reporting the evidence for the slanderous words of a priest named James Harrison.

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PLEASE it your highness to be advertized, that whereas Sir William Fitzwilliam, knight, one of your counsellors and treasurers of your most honourable House, lately directed his several letters unto us, your humble subjects and servants, Edward Earl of Derby and Henry Faryngton, knight, whereby we perceive your grace's pleasure is that a lewd and naughty priest inhabiting in these parts, who hath of late reported and spoken before and in the audience of certain persons sundry and diverse unfitting and slanderous words, as well by your highness as by the queen's grace, should not only be attached and sent up to your highness, but also that we should in the accomplishment of your said pleasure take the examinations and sayings of such persons as were present and heard the same unfitting and slanderous reports and sayings of the said priest in the premises; and the same to send in writing to your highness subscribed with our hands: We, according to our bounden duties in the accomplishment of your grace's pleasure, have called before us such persons whose names and depositions hereafter do ensue; and the same persons did examine upon their oaths at Ley, in the county of Lancaster, the 10th day of August, in the 25th year of the reign of your noble highness, Sir Richard Hoghton, Sir William Leylond, knights, and Thomas Howcroft, your servants and other of the counsel of me the said earl being present with us. And the said Sir Henry hath attached the said priest and sent him to your highness.

And Sir Richard Clerke, vicar of Leegh, deposeth and saith that the 20th day of July last past he read a proclamation at Crofton, in the house of John Blackeston's, concerning Lady Katharine, princess-dowager, which Sir James

Harrison, priest, hearing the said proclamation, said, that Queen Katharyne was queen. And that Nan Bullen should not be queen, nor the king to be no king on his bearing.

Also, Sir John Haworthe, priest, examined, saith upon his oath that he heard the said Sir James say that Queen Katharyne should be queen, and as for Nan Bullen, who the devil made her queen? and as for the king should not be king but on his bearing.

Also, William Dalton, esquire, examined, and sworn upon a book, deposeth and saith, that after that one Sir Richard Clerke had read the said proclamation, he read certain articles in the said proclamation to the said Sir James with certain persons there being present: the said Sir James said, I will take none for queen but Queen Katharine; who the devil made Nan Bullen, that whore, queen? for I will never take her for queen and the king on his bearing; and then the said William said, Hold thy peace, thou wots not what thou sayest; and, but that thou art a priest, I should punish thee that other should take ensample.

John Dalton, the elder, gentleman, sworn and examined, saith, that he was present when William Dalton, esquire, read the said proclamation, and the said Sir James said, I will call her Queen Katharyne, letting for no man; for Nan Bullen, that naughty pake (or whore, I do not remember whether,) who the devil made her queen? and the king shall be no king but on his bearing.

Thomas Lathom, the younger, sworn and examined, deposeth and saith that, after that, another time the same day and year above said that Sir James Harrison said that Nan Bullen, that whore, shall not be queen.

James Woddes, sworn and examined, deposeth and saith that he heard the proclamation read in the house of John Blackiston's, and the said Sir James said then that he would not take none for the queen but Queen Katharine; and as for Nan Bulleyn, that whore shall be no queen.

Adam Banaster, sworn and examined, deposeth and saith, that Sir James Harrison, the 24th day of July, in the house of Thomas Gravesyns, said that he would never take Nan Bulleyn for queen, to be hanged for the same, but for Nan Bulleyn.

Richard Sumner and John Clayton sworn and examined, depose and say, that they came in company with the said Sir James Harrison from the town of Perbalt to Eccleston, where the said Sir James said unto them, This is a marvellous world; the king will put down the order of priests and destroy the Sacrament; but that will be as Thomas Dykonson said, that it cannot reign long, for he saith that Yorke will be London hastily.

By your humblest and obedient servants,

E. DERBY.

HENR. FARYNGTEN, Knt.³⁸

³⁸ This letter has been printed the end of the English translation from the original in Ellis' First of Audin's Life of Henry VIII. Series, vol. 2, p. 42; and also at The latter copy is very incorrect.

Number CCCLVIII.

Original letter from Lee Archbishop of York, and Tunstall Bishop of Durham, reporting the circumstances of their interview with the Queen; written May 21, 1534.

/ PLEASE it your highness to understand, that this day we repaired to the princess dowager, and there I, the Archbishop of York, for an introduction, to declare to her the effect of our commission, said to her: 1st. That your highness had often sent to her divers of your counsel, and amongst them me one, to declare to her the invalidity of the marriage between your highness and her. 2ndly. That carnal knowledge, which is the great key of the matter, is sufficiently proved in the law, as also some that were of her counsel do avow. 3rdly. That upon proof so sufficiently made of carnal knowledge, divorce was made between your highness and her. 4thly. That upon divorce made by lawful sentence, she was admonished to leave the name of a queen, and not to account or call herself hereafter your highness's wife. 5thly. How that after your highness was discharged of the marriage made with her, you contracted new marriage with your dearest wife queen Anne. 6thly. That forsomuch as (thanked be God) fair issue is already sprung of this marriage, and more likely to follow by God's grace, that the whole body of your realm gathered together in parliament hath for the establishment of this issue by your dearest wife queen Anne, and the succession coming of this marriage, made acts and ordinances against all them that would in word or in deed withstand them: and that for these purposes we were sent to her grace, to the intent she might understand the true purport of these acts with the pains, lest by ignorance she should fall in any of them, and I declared the act. /

Which thing being thus declared unto her, she being upon it in great choler and agony, and always interrupting our

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words, to the foresaid points made these answers following. To the 1st, that she took the matrimony between your highness and her for good, and so always would account herself to be your highness's lawful wife; in which opinion, she said, she would continually till death persist. To the 2nd, she utterly denied that ever carnal knowledge was had between her and prince Arthur, and that she would never confess the contrary; and with loud voice, when mention was made of this point, she said, they lied falsely that so said. To the 3rd, she answered, that she is not bound to stand to that divorce made by my lord of Cauntorbury, whom she called a shadow; and that although he had given sentence against her, yet the Pope had given sentence with her, whom she took for Christ's vicar, and therefore would always obey him as his faithful daughter. To the 4th she answered, that she would never leave the name of a queen, and would always take herself for your highness's wife. To the 5th she said, that this marriage, made after her appeal, which she made by your highness's leave and consent, is of no valeur. To the 6th she answered, that she is not bound to the acts of parliament, forasmuch as she is your highness's wife, and not subject to your highness, and also because these acts were made by your highness's subjects in your favour, your highness being party in this matter, with diverse other unseamyng words.

Unto which her answer, I, the Bishop of Duresme, replying, forasmuch as she had said in her communication, that both I and the residue of her counsel had always showed unto her that her matter was just and good, I said that all the question whereupon we were consulted at such time as the legates were here, depended only upon the validity of the bull and brief. Albeit I said, that sith that time divers other questions had risen, and had been debated by many universities, the chief of Christendom, of which one was Bonanie, the Pope's own town, and by them concluded, that after the decease of the brother who had had carnal knowledge with his wife, the brother living might not marry the said wife by any dispensation of the Pope, because it was forbidden by the law of God. And forasmuch as the Pope (albeit the said conclusions have been

by learned men sent from your highness declared unto him) never made answer, to maintain lawfully his power to the contrary, but rather, in confirmation of the opinions of the said universities, said at Marsile, that if your grace would send a proxie thither he would give the sentence for your highness against her, because that he knew that your cause was good and just; which his saying was according also to an epistle decretal, sent hither by the legate Campegius, whereof the effect was, that if marriage and carnal knowledge was had betwixt prince Arthur and her, the legates should pronounce for the divorce, according whereunto proofs were brought in before the legates, and also since, before the convocations of this realm and the bishops of Cauntorburye, and by them allowed and approved as sufficient and lawful; whereby it doth plainly appear that the sentence given by the Pope to the contrary was not vaileable, because it pronounced the dispensation, which he had no power to grant, seeing it was against the law of God, to be good, therefore I had now changed my former opinion, and exhorted her to do the semblable, and to forbear to usurp any more the name of a queen, specially for that the sentence which she sticketh so greatly unto, was given after your grace's appeal to the council general, and intimate to the Pope, so that it could not be vaileable, and that if she would so do, she might thereby attain much quietness for herself and her friends, and that she being conformable so to do, I doubt not but your highness would suffer her to have about her such persons as should be to her pleasure, and intreat her as your grace's most dearest sister, with all liberty and pleasure; with divers other things which by her much entrelacing I was forced to answer unto. The specialties whereof and of her obstinacy, that she will no wise ne for any peril or loss of her life or goods, relinquish the name of a queen, we do remit for tediousness unto the wisdoms and discretions of my lord of Chester, master almoner, and Mr. Bedell, who like as they have very substantially, wisely, and effectually ordered themselves in the execution of the premises, so we doubt not but that they will sincerely report the circumstances of the same unto your highness: whom we beseech Almighty God long to

preserve in much honour, to his pleasure, and your heart's desire.

At Huntington, the 21st day of Maie.

By your highness's most humble
subjects, servants, and chaplains,

EDOUARDE EBOR.

CUTHBERT DURESME.³⁹

³⁹ This document appears in State Papers, vol. i. p. 419; and also in Collier's Ecclesiastical History in the Collection of Records at the end of vol. 2, p. 15. Collier's transcript is very incorrect. Both this and the preceding document have been produced from a comparison of the two printed copies, and without collating the originals, which the editor has by some accident missed.

Number CCCLIX.

*A document in French written during the reign of Elizabeth,
giving some account of Anne Boleyn.*

LA vie de roy Henry d'Angleterre, laquelle a este si monstrueuse que je pence que a l'advenir l'on l'egalera avec ou Neron et Caligule sur le fait de ses cruautés et ses paillardises, ne seront moins vituperes que les gestes lascifs d'un effeminé Heliogabale: C'est luy qui ayant espousé Catherine fille de Ferdinand et d'Isabeau, roy de Castille et d'Arragon, laquelle avoit este promise et fiancée a son frere aîné, feme bien schaste et fort vertueuse, et laquelle ne estant point suffisant pour contenter a ses lubrisetes se enamora du feme de mon sieur de Boulan, laquelle estoit enfantie de luy en l'absence de son mary, estant a ce fois aux garres en France pour le roy, de un fille nome Anne de Boulan. Son mary apres son retour, voyant sa feme d'avoir un enfant apres son partiment, prenoit de proces contre elle pour estre devorcee. Mais le roy, entendant sela, comandoit a luy de reprendre sa fame, disant que seste fille estoit engendre de luy; ce que luy entendant et craignant la cruauté de ceste tirant, n'oseroit que reprenait sa feme, nourrait la fille come la fyllle du roy, et non come le sien, jusques au temps que le roy le faisait contes de Pembroke, et le envoit en France pour estre enstruit en langue Fransaise.

Ceste belle fille estant aytant a la aige de quinze ou sease ans, estant appelle a la court d'Angleterre, ou le roy, regardant la beautie de ceste jeune fille, estoit encontinent; il s'enamora de elle come un autre Neron et bouc ensatiable pour satisfaire a ses lubriseties, et le voyant enfantee de luy, il repudia sa femme legetime pour espouser cette Anne Boulan, laquelle depuis il feit decoler come le plus paillarde et lubrique femme qui ayt este de nostre temps. De ce devorse, d'autant que le Pape n'y voulut point consentir, come celluy qui avoit approuve le premier mariage, advint le changement de religion

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fol. 19.

en l'île des Anglais, lors que ce roy inconstant, qui avoit escrit contre les erreurs de Luther, embrasse puis apres sa doctrine et ne se contenta point de pillier, miner et gattier les monastoirs, aynsi schassoit les religieux hors du lurs cloisters, mais aussi hors de ses terres, ayant l'esprit si aigrement contre les prelates, que ce bon et saint personage l'evêque Roffense y perdit sa vye, la saintete duquelle laysse si bon tesmonaige a leggliese qui aveu la doctrine il point estre esquale a ces primers martiers qui ont espandu leur sange pour la confession de la verite⁴⁰. Et ausi il n'avoit ny craint ne hont de envoir les Carthusians de Londres d'estre pendu sur le jebit, pourceque ils ne voudroient point consentir que le roy usurpoit l'auctorite du Pape, se faisant schefe de l'eggliese. Par mesme destroit passa le Cardinale de Yorke, laquelle avoit auparavant gouverne toute l'isle (a pene estre a bon droit); car lon dit que ce fut luy qui causa le devorce fait au de la royne Catherine, fille de Espagne. Quoy qu'il soit, ce cardinal craignant de tomber entre les mains de ce roy tyran, se feist empoisonner, allant a Londres, ou le roy l'avoit comandé venir; en quoy il monstra le peu de constance qu'il avoit, estant appelle pour la cause de la religion, de laquelle tant de bons avesques se declarans protecteurs et tesmoigns finerent heureusement leur vie. Mais aucun ne peut taire de quelle cruauté il feist decapiter ce grande et excellent en tout scavoir, Thomas Morus, son Chancelier, pour ce qu'il contredisoit aux cruautés et ribaudises de son prince; le quel estoit si corrompu que, vivant sa femme, il tenoit pour espouse Anne plus belle que chaste, et qui ne se contenta point des imbrassements d'un gentilhomme Anglois nomme Bricton, ny de seux du seigneur Nioris, qu' encore a l'adultere elle adjousta un abominable inceste, usant trop familiarement, mais diray detestablement, avec son proper frere, que le roy a sa faveur avoit fait un des plus grands milords de sa terre. Et pour plus discouvrir sa meschancete et paillardise, elle attira a sa couche un joueur d'instruments, homme de basse condition, laquelle accordait sa harpe sur le corps de la royne avec pareille mesure et venant a mesure cadence que les susdictes serviteurs de couche de ceste belle louve. Mais toutes ses folles

⁴⁰ From *la saintete* to *verite* is inserted in the margin.

pratiques furent descouvertes par un autre des concubines du roy, seour de un medecin nomme Antoine Brun, laquelle ayant comandement de par le roy de se retirer de court a cause qu'elle prestoit a de autres que a ce bouc royall, fut si merrie qu'elle dist a celui qui luy porta ceste nouvelle qui estoit ce medecin, son frere, que le roy seroit mieux de prendre fol. 19 b. garde a sa femme que de estre si curieux de celles qui ne luy touchent pas si pres. Henry qui aimoit Anne de tout son cœur, et qui jamais ne eust pensé qu'elle se fust oublié jusques a la que de le envoir en Cornvaille sans bouger de Londres, fust extremement marry et voulut scavoir tout le discours de ceste farce. La dame luy dist que Marc (aynsi s'appelloit le Joueur d'instruments) et un des damoiselles de la royne nommee Marguerite l'en fero yent assez certain qui en savoyent plus que personne qui fust⁴¹

⁴¹ Here the Manuscript terminates in the middle of a line half-way down the page. The following leaf contains an endorsement written upside down at the bottom of the page, 'A horrible, false and traytorouse description of Kyng Henrie the 8 his life,' and another endorsement in Burleigh's hand as follows :—'A vile false report of

King H. y^e viiith.' Otherwise there is no evidence to shew who the writer was. It has been here printed as nearly as possible in accordance with the original. The style of spelling as well as the handwriting seems to indicate a German writer. Of whatever value the account given may be, it is plainly independent of Sanders' narrative.

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APPENDIX.

Number I.

Letter from the King to the Cardinal Ridolphi, asking him to meet Wolsey to treat of matters for the liberation of the Pope; written July 10, 1527.

HENRICUS Dei gratiâ Rex Angliæ et Franciæ, fidei Theiner,
defensor ac Dominus Hiberniæ, Reverendissimo in p. 558.
Christo patri, Sanctæ Romanæ Ecclesiæ Cardinali,
Rodulfo, amico nostro carissimo, salutem.

Arbitramur mortalium neminem esse qui cladem et contumeliam almæ Urbis Romæ, quam Apostolorum Sedem ad hæc usque tempora summâ omnium veneratione intemeratam Christus esse voluit, aut siccis oculis videre, aut non gemen-[do tam] triste nuncium audire potuerit. Quod enim facinus excogitari potuerat sceleratius ab his præsertim qui [se dederant] vel addixerant religioni, quam ut eam modis omnibus nunc perdere conentur? Quorum certe tam præceps extitit [furor, ut] durissima et crudelissima quæque in Sanctissimum Dominum Nostrum, verum et unicum in terris Christi vicarium, patrare sint ausi; eo [scilicet ca]pite sublato, Dominique gregis percusso pastore, sancta corrueret ecclesia, lupisque rapacibus, asservante [nemine, ov]es laniendæ traderentur. Ad hæc, quæ nefanda scelera Catholicum pectus meminisse horret, a c[ruore] non abstinuerunt, sed crudelissimum facinus crudelissimo facinore superârunt, sanctâque Civitate [ominino per] rapinam occupatâ, sacra atque profana nullo dis-[crimine dis]ponunt; et ut omnis generis mala sileamus, [hoc præsertim] luctu et miseratione dignum putamus, quod magno illo s[acerdo]te et summo in humanis antistite, et cui tale divina instituta in hominum salutem moder-[et]ur, in turpissimam nunc attracto captivitatem, [imagine]s Dei, Sanctorumque reliquias inauditâ fœditate con[tamin]â-

runt, conculcandasque passim disjecerunt, mum vernaculum quod admirabili veneratione a Christi fidelibus colebatur, atrocissime concremârunt, nobilissimum Christi sanguinem et preciosissimum corpus per injuriam, [insolentiam et] contemptum effuderunt, quæ certe tam gravia et non [f]erenda mala ad sui restitutionem Christianos omnes, nedum principes, permovisse debent. Nos vero officii nostri memores, et tituli fidei defensoris non obliti, statutum [animo im]motumque habemus, quoad fieri per nos potest, [nostræ] vocationi respondere, huic procellæ succurrere, nihil non facere, et omnes tentare modos, omnes experiri vias ad sanguinem usque nostrum quibus lapsam Sanctæ Romanæ Ecclesiæ dignitatem inter[sepi]re, resarcire, capiti communique parenti libertatem asserere, et Christo illatas injurias reparare possumus. Q[ui]a au]tem pro eâ quam obtinetis dignitatem, Reverendissimam Dominationem Vestram cæterosque suos confratres, quos divina misericordia, a tam atroci captivitate, sanctæ Romanæ Apostolicæque Sedi integros reservavit, et quorum imprimis interessent tanto malo in tempore mederi, paris animi ardoris ac voluntatis esse non ambigimus, magnam restituendæ rei spem fiduciamque concepimus.

Hujus igitur tam necessariî operis gratiâ, Reverendissimum atque Illustrissimum Dominum Cardinalem Eboracensem Sanctæ Apostolicæ Sedis de Latere Legatum, observantissimum Vestri Senatûs membrum, nostrumque locum tenentem, et de quo non aliter quam de nobis ipsis plenissime confidimus, ad Christianissimum Gallorum Regem, fratrem nostrum carissimum, impræsentia misimus, in mandatisque dedimus ut ad eum locum mox se recipiat, ubi de re tantâ commodius consuli tractarique possit. Vestram proinde Reverendissimam Dominationem rogamus et obtestamur, ut ad eum locum qui veluti commodior assignabitur convenire velit, et causæ [hujusmodi] omnium gravissimæ labores omnes posthabere, quo una cum eodem Reverendissimo Domino Legato, aliisque qui illic aderunt confratribus, communi consilio pro Sanctissimi Domini nostri liberatione et pro tam sævis avertendis malis ille ineatur modus qui expeditior et conducibilior fuerit habitus.

Quicquid vero una cum illo nostro nomine statuatur, gratum

et ratum habebimus, et omni nostrâ authoritate, operâ ac viribus præstare conabimur. Et feliciter valete.

Ex Regiâ nostrâ Wyndsore die 10 Julii M.D.XXVII.

Vester bonus amicus

HENRICUS.

Petrus Vannes.

Reverendissimo in Christo Patri, Domino Cardinali Rodulfo etc., Legato Patrimonii, Amico nostro carissimo.

Number II.

Letter from Sir Gregory Cassali to Wolsey, giving an account of the Pope's plan of going into Spain with Wolsey to arrange a peace; written January 3, 1529.

Vitell.
B. xiii.
fol. 7,
al. 2.

ILLUSTRISIME et Reverendissime Domine, Domine
mi colendissime etc.

Tandem Generalis Cardinalis Sanctæ Crucis huc applicuit. Quid ipse attulerit e[t ad] comunem pacem, et ad alias res privatas tractandas cum Sanctissimo Domino Nostro, ex literis q[uas] ad Dominum Vicentium Casalium, meum patruelem, in præsentia scripsi, Dominatio Vestra Reverendissima ac [Illustrissima] copiose cognoscere poterit. Præterea Dominationem Vestram Reverendissimam scire volo me ex multis [serm]onibus, quos cum Sanctissimo Domino Nostro habui, collegisse Ejus Sanctitatem indubitanter opina[ri, quod] nunquam pax ista confici poterit, nisi ad eam cum Cæsare tractandam [sua Sanctitas] ac Dominatio Vestra Reverendissima ac Illustrissima in Hispaniam proficiscantur. Dixitque Sanctissimus Dominus Noster [se, quum] tantam hujus pacis necessitatem esse videat, libentissime et hunc e[t omnes] labores pro pace conficiendâ subiturum; nihilominus nullo pacto [se istam] profectionem velle suscipere, nisi Dominatio Vestra Reverendissima idem faciat. Quam s[ibi vult adjumen]to esse, ejusque consilio et autoritate uti, ipsamque fratris habe[re loco, ita ut] ambo conjuncti quasi duo legati videamini ad id negotium perage[ndum profecti, et] adhibitâ Dominationis Vestræ Reverendissimæ autoritate, consilio ac prudentiâ, sperat a[d optatum finem] facile deduci posse. Quâ de re in animo habet ad Regiam Majestatem [impræsentia] nuntium mittere. Quod ego præsentibus literis præcurrere [volui, et] certiore facere Dominationem Vestram Reverendissimam, quæ dignabitur (oro)

id inspicere q[uod super] hoc negotio per literas ad Dominum Vicentium conscripsi.

Optime val[eat] Dominatio Vestra Reverendissima ac Illustrissima. Cui me humiliter etiam atque etiam commendo.

Data Romæ Die 3 Januarii M.D.XXIX.

Ejusdem Dominationis Vestræ Reverendissimæ
ac Illustrissimæ,

humillimus Servitor,

GREGORIUS CASALIUS.

Number III.

Extract of a letter from Sir Gregory Cassali to Vincent Cassali, sent with the foregoing letter of January 3, 1529.

Vitell.
B. xi.
fol. 8,
al. 3.

EX literis Domini Gregorii Casalii ad Dominum Vincent[ium patruelem] suum die 3 Januarii Romæ datis.

Iste generalis Cardinalis Sanctæ Crucis tandem huc applicuit qui ad por[tum ex] navi descendit, deinde per terras usque Romam venit, ubi jam p[ermansit] tres dies, totidem etiam permansurus absque publicatione sui advent[ûs], quia prius vult ire Neapolim, ut secum Romam triumphaliter reducat [istos] Cardinales qui obsides erant. Sanctissimus Dominus Noster legit ejus literas in consistorio; quæ [con]tinebant, dictum generalem habere in mandatis restitutionem Cardinalium et arcium necnon 150 millium ducatorum, quos Cæsarei milites ab eâ extorserunt; præterea, quod [ipse] coram intelligeret nonnulla bona nova quæ cederent in gloriam et exaltati[onem] domûs suæ Sanctitatis. Quod quum ego a nonnullis ex his Reverendissimis Cardinalibus, nostris am[icis], in]tellexissem, volui antequam alloquerer Pontificem, tentare si quid ret[egere pos]sem, et inter cætera effeci quod Cardinalis de Mantua et Cardinalis Farnesi[us loque]rentur cum ejus Sanctitate, eamque hortarentur ut nollet hanc occasio[nem] conclu]dendi pacem omittere, quum sit¹ quod res esse non possunt in statu [magis apto] nec magis ad propositum, super quâ re dicti Cardinales longum sermonem [habuerunt cum] Sanctissimo Domino nostro, quibus ejus Sanctitas adeo aperuit hanc commissionem gen[eralem, ut ego] perceperim quo tendere volebat. Deinde me contuli ad [ejus Sanctitatem, et] cum eâ diu locutus sum, eique affirmavi meam ita ferre opi[nionem quod] pax omnino succederet, ad quod credendum ad-

¹ This may possibly be a mistake of writing for *scit*, but both copies have *sit*.

ducebar, q[uod is est hodie] status rerum ut meliorem pro facilitandâ pace nullo pa[cto optare pos]semus; quia et Cæsar ipse sæpe indicavit, et Imperiales [semper prædi]cârunt, ejus Majestatem esse prius morituram quam coactam aut per [vim ad] pacem deventuram. Sed si videret ab ejus Sanctitate et a Rege [Christianissimo] se ad pacem attrahi, aut similibus mediis ad eam induci, quod, s[alvo] suo honore, ne videretur per vim coacta, pacem faceret.

[In] quo res hodie bene conveniunt, quia dici potest quod ^{fol. 8 b.} Cæsar sit rerum dominus in Lombardiâ, quum nullum obstaculum illic habeat ab exercitu Confœderatorum, et postquam recuperavit tantâ suâ cum gloriâ et honore Regnum Neapolitanum, ut a Julio Cæsare huc usque nulli alii tam feliciter cesserit. Quare si ejus Majestas nunc se resolveret ad pacem concludendam, acceptando eas conditiones quas in magis adversis suis temporibus recusavit, persuaderet toti orbi se ad bonum finem tendere. Quod non solum magnæ gloriæ ei esset, sed etiam extingueret ejus patrata facinora, et ostenderet Italiæ ruinam et destructionem Sedis Apostolicæ per suos factam causatam fuisse propter suam defensionem, et non propter aliquem malum effectum ².

Præterea, licet status rerum in apparentiâ videatur tam gloriosus pro Cæsare, tamen si ejus Majestas bene considerare voluerit, inveniet illum magis debilem quam unquam fuerit. Nam quum parvæ illæ copiæ Domini Renzii sint in Apuliâ, et Cæsarei nequeant de suo exercitu disponere, non possunt eas neque obsidere neque expellere. Unde si in proximo vere copiæ in Apuliâ a Confœderatis conservarentur, et gereretur bellum in Lombardiâ aut in Flandriâ, obtineretur quicquid vellent Confœderati; et revera si fieret bellum in regionibus Cæsaris, esset via destruendi eum. Ideoque non possum non judicare ejus Majestati persuasum et consultum esse ut pacem concludat; dixique ejus Sanctitati, quod si cognoverit Cæsarem esse hujusmodi opinionis, non deberet temporis momentum amittere; nam si expectetur novum ver (ut supradictum est) res ita se habebunt, ut postea non sit futurus iste honor Cæsari. Nam necesse est ut principes Confœderati provideant

⁶¹ As far as this word there is some use in filling up the gaps of a very mutilated copy in Vitellius, this copy.
B. xiv, fol. 6, which has been of

fol. 9.

ea quæ bello sunt necessaria, nisi pax componatur. Itaque quicquid faciendum est, fieri deberet antequam præparetur bellum. Præterea dixi Sanctissimo Domino Nostro, quod unum imprimis caveret, ne quid particulare cum Cæsare tractaret, nam si id faceret, causaretur duo mala. Primum poneret zelotipiam inter principes, et multum augeret arrogantiam et insolentiam Cæsari. Super hoc ejus Sanctitas longioribus verbis mihi respondit, asserens quicquid dicebam esse tum et meram veritatem, sed quod Cardinalis Sanctæ Crucis præter restitution[em Cardinalium et] arcium nihil aliud attulerat; et quoad pacem generalem Cæsar vult quod et servetur capitulatio Madricii, et instat super eo quod dedi vobis in instructionibus, videlicet componendi res Italiæ per ejus Sanctitatem; ad quæ ego primu[m] respondi, Cæsarem non recte intelligere, et palam toti orbi facturum co[n]tra[ri]um ejus, quod ipse et Imperiales omnes prædicârunt semper, si nunc [amit]tere voluerit Burgundiam, propter hanc novissimam victoriam, quam ade[ptus est], et quod ego non poteram adduci ut credam ejus Majestatem tam malum co[n]siliu[m] inire: et si hoc sequetur, non potest non causari a malo consilio. [Ejus Sanctitas] ad hæc mihi respondit, quod iste generalis fatetur verum esse quod loq[ua]ntur ejus Sanctitas: idem illi dixerat, et super hoc eum interrogavit, qu[od] alem pacem] se facturam si in propriâ personâ ipsa in Hispaniam iret, ad q[uo]d Cardinalis] respondit, quod si ejus Sanctitas tantum honoris exhiberet Cæsari [per hanc] viam revera adduceret illum ad omnia honesta, nam poterit [allegare] quod alias facere voluerit talia, et eas accipere conditiones qu[as] Cæsar ejus] Sanctitati denegare nequibit, videns quod ipsa moveatur propter ruin[am Ecclesiæ] cui ob particularem injuriam Cæsar omittere non debet ut v[ide]tur, et si] miles alias afferens rationes, quæ super hâc re adduci poss[unt], Sanctissimus Dominus Noster pro certo habet, quod quum tantum honoris ejus access[us in Hispaniam] sit allaturus Cæsari, non posset ipse hujusmodi petitionem ejus Sanctitati den[egare].

Ad hæc ipsa sperat se hujusmodi rationes Cæsari super ejus commodo et m ostensuram, quas ejus Consiliarii ignorant, et non intelligunt. Hic ego [mul]ta ejus Sanctitati respondi; et inter cætera duo imprimis, unum videlicet quod

ipsa antehac perspexit, quanto magis se dedit in manus Imperi- fol. 9 b.
alium pro eorum ut[ili]tate, tanto magis crevit eorum arrogantia, unde postea exorta est ruina suæ Sanctitatis; et super hoc allegavi pro exemplo omnia anteacta, præsertim quum impræsentia Cæsar videatur ob hanc victoriam longe magis insolentior factus quam unquam antea fuerit. Alterum est quod iste accessus suæ Sanctitatis ad Cæsarem posset inducere alios principes in suspicionem, attentâ bonitate suæ Sanctitatis et astutiâ Hispanorum; hæcque dixi veluti pro discursu rerum super id quod facile comprehendi potest; ac insuper non destiti ei facere animum ad pacem tractandam, quam certissimum est quemlibet Christianum principem et præcipue Christianissimum Regem et Cæsarem, tum ob privatum interesse, tum ob publicam quietem, desiderare debere; et quominus pax sequatur, id solum obesse videtur, quod non inveniatur modus et via eam tractandi; ac deinde quum videam ejus Sanctitatem cupidissimam pacis, nec minus cupidos agnoscam Serenissimum Dominum Regem nostrum et Reverendissimum Dominum Eboracensem, videbatur mihi, si hi simul conjuncti deliberarent componere pacem, constituto uno capite, non esset admodum difficile promovere rem, si diligenter et cito tractaretur. Respondit mihi super his Sanctissimus Dominus Noster, quod si iret in Hispaniam, vellet Reverendissimum Dominum Eboracensem eo etiam ire, ut una cum ejus Sanctitate pacem tractaret, et in [hoc c]asu nollet ipsa ire ut pontifex neque quod ejus Reverendissima Dominatio ut Cardinalis, sed dicit [quod vult] præsupponere se esse duos legatos conjunctim ad hunc effectum [et] habere Reverendissimum Dominum pro fratre, consiliario et adjutore in hoc incepto, et quod ejus Reverendissima Dominatio pari loco suam Sanctitatem haberet, nec aliter nec alio modo, quia ita sibi necesse videtur pro inducendo Cæsare ad votum optatum. Videtur etiam Sanctissimo Domino Nostro quod in progressu hujus sui itineris alloquatur Christianissimum Regem, quod hoc pacto fieri posset. Ejus Sanctitas (si eundem sit) putat velle petere a Cæsare ut dimittat Andream Dauriam, quem ipsa postea conducet suo stipendio, et cum ejus triremibus Rhodiis, hoc iter prosequi posset, aliquantisper morari Massiliæ, ut Christianissimum coram alloqueretur ejusque mentem bene perciperet. Noluisset Sanctissimus Dominus

fol. 10.

Noster me quicquam his de rebus scripsisse, nisi leviter rationem propositi mei super hâc re attigisse, et significâsse Reverendissimo Domino quia ejus Sanctitas vult mittere certum nuncium ob hoc ad Ser[enissimam Majestatem] et ad Reverendissimum Dominum, quem ut quanto citius fieri potest, mittere [urgebam], ostendens quam breve sit tempus propter necessaria præparamenta pro bello. Nihilominus ego scribo ad Reverendissimum ex voto Sanctissimi Domini Nostri, sed ex alterâ parte volo ut ejus Reverendissimæ Dominationi significetis quicquid his literis continetur. Ad hâc scire [vos] debetis longe abhinc Sanctissimum Dominum Nostrum hoc desiderio teneri, de quo multis abhinc [mensibus] scriptum fuit ad legatum qui est in Galliâ ut loqueretur de [hâc re] cum Christianissimo. Legatus rescribit id se fecisse, et quod Christianissima Majestas multum l[audat] optimum desiderium Suæ Sanctitatis, et si aggrediatur hoc iter, obviam illi v[enturam ad] ejus sanctissimos pedes deosculandos. Dominus Jacobus Salviatus osten[dit mihi] has literas Domini Legati. Hoc vobis significare volui ut videat Reverendissimus [Dominus Ebora]censis non fore admodum difficile, ut Christianissimus de hoc contentetur nui pontificem, ut bene caveat, ne quid privatim agat aut tracte[t de arce et Cardina]libus. Nam si vel tantillum de hoc intelligeretur, interrumperet [omnes nostras] actiones, præcipue quum omnes Italiæ potentatus ejus inimi[ci sint, et] modo invigilent ut eam cum Cæsare habere intelligentiam [prohibeant].

Rem vobis narro, ac se habet, et quoad meum judicium attu rem ipsam vitam, quod Sanctissimus Dominus Noster in hâc re procedit tam sy[ncere ac caute] quam fieri potest, et eam reverentiam haberet Reverendissimo Domino quæ hab[ita est unquam] cuivis principi, et pro certo scio quod Reverendissimus gubernaret ejus Sanctitatem de trium disposeret. De reliquis nihil dicam. Ejus Reverendissima Dominatio est prudentis[sima] et novit necessitatem orbis.

Commissio generalis concernens honorem et exaltationem domûs Pontificis sic habet, quod Cæsar profert se in matrimonium suam filiam daturum Nepoti suæ Sanctitatis, et restituere illum in patriam, multaque alia ab eis considerat juxta

affectus et cupiditates ejus Sanctitatis; verum hujusmodi profecto est ipsius desiderium ad pacem ut credam omnes alios fol. 10 b. appetitus ejus nunc sopitos esse. Omnis iste sermo, quem super hâc re habui cum Sanctissimo Domino Nostro, videtur mihi non posse non prodesse, nam saltem erit in causâ ne veniat 'ad declarationem pro Cæsare, de quo admodum verendum erat.

Ego insinuavi ejus Sanctitati ut hâc ratione potest se eximere ab Imperialibus, si eam sollicitaverint pro declaratione, videlicet affirmando se ire velle in propriâ personâ ad Cæsarem pro pace tractandâ, ideoque non oportere impræsentia ad aliquam conventionem cum illis venire.

Dicatis Reverendissimo Domino me hæc omnia longioribus literis ad vos scripsisse, ut singula ejus Reverendissimæ Dominationi referatis.

Quum diebus superioribus Dominus Sancti Pauli esset quibusdam in castris Alexandriæ vicinis Genuæ, eo misit quingentos equites et tria millia peditum ut deprehenderet Dominum Andreæ Dauriam, qui ædes suas habet in suburbio prope portam Genuæ. Istæ copię clam venerunt nocte, adeo quod nihil de eis intellectum fuerat, usque ad horam fere prandii, quod nunciatum fuit Domino Andreæ, qui tantum temporis habuit, ut miserit in urbem quædam sua scrinia, et supervenientibus dictis copiis Domini Sancti Pauli, Dominus Andreas, cum circiter viginti hominibus quos domi habebat, restitit ante portam suæ domûs tantisper dum pons urbis levaretur, et ipse incolumis per secretam portam in urbem se recepit. Dicitur quod Genuæ dubitabatur de aliquo tractatu. Sequenti nocte Genuam applicuerunt tres naves, quæ attulerunt mille et septingentos Hispanos qui existimatur quod ibunt Mediolanum, etc.

Number IV.

The King's letter to his ambassadors about the election of a new Pope on the supposition of the death of Clement VII; written February 6, 1529.

Vitell.
B. xi.
fol. 67.

INSTRUCTIONS sent by the king's highness to his trusty counsellors and servants, Mr. Steven Gardiner, doctor of both laws, Sir Fraunces Brian and Sir Gregory de Cassalys, knights, and Mr. Peter Vannes, the king's secretary for the Latin tongue, his ambassadors in the Court of Rome.

First, whereas a good season since the despatch of the said Mr. Stevyn Gardiner on ambassiate towards the said Court, the king's highness, by sundry ways, hath been advertised of the death of our holy father the Pope, Clement of that name the Seventh, whose soul Jesu pardon, by meane whereof the charge heretofore committed by his grace unto his said orators to have been now executed with the said late Pope, cannot at his hands take effect, his highness pondering and profoundly considering the present state of Christendom, miserably and piteously afflicted with the intestine wars, dissensions, and discords reigning amongst the princes of the same, and how the dignity of the See Apostolic, by such trouble and persecution as hath been inferred thereunto these years passed, is not a little diminished and impaired, like to come unto total ruin, if by the help and assistance of good and virtuous princes, the ambition of those which study the extermynion thereof be not in time repressed: considering, furthermore, that as well to conduce rest and tranquillity in Christendom, as to restore, repair, and reintegrate the state, authority, and reputation of the said See Apostolic, nothing is more requisite and necessary than that such a head and common father be now at this time of vacation of the dignity Papal provided and elected to succeed in the same, as both

may, can, and will purvey to the restoration of the said See, and that hath and may have the assistance of such virtuous and puissant princes as tender the defence, maintenance, and increase of the dignity aforesaid, and that may meet with the inordinate ambition of the emperor, who nothing more studieth than for his own exaltation to suppress the Church and See Apostolic: remembering, also, the high importance of the king's great and weighty cause of matrimony, committed to the charge of his said orators, and how manifold dangers and irreparable damages depend upon the tract, delay, or disappointment thereof, which by no way or mean can be conduced to the king's purpose and desire, by the authority of the Church, but only by the special, assured, and perfect favour of the head of the same Church: also his highness being as loth as any living prince or person may be to recur unto other refuge, succour, or remedy in his said cause than to the authority of the See Apostolic, if his grace may there find the fol. 68. favour and benignity that to his merits towards the same be correspondent, of which favour his highness should be clearly deprived and frustrate in case the election of the future Pope should pass upon any person of whom his grace were not perfectly assured.

His highness, for the respects and considerations before specified, perceiving his good brother and perpetual ally the French king in the said intention to be unite, knit, and in all actions and doings of importance, assuredly combined unto his grace, proceeding together in one will, mind, purpose, and conformity, hath by good and mature deliberation, studied, devised, and excogitate with himself who were and might be the most able, meet, and convenient person, having the qualities before specified, to be advanced at this time unto the said dignity Papal. And finally, when his grace hath well revolved with himself all the respects and considerations before said, noting also all things meet to be regarded in every of the cardinals of the Church of Rome, both present now in the Court there, and absent from the same, it cannot be found that there is any person sufficiently furnished with the requisites before specified but only the most reverend father in God, and his most trusty counsellor, the Lord Legate, Cardinal Archbishop of York, Primate and

Chancellor of this realm; who being well known to have as fervent zeal, study, mind, and desire to the universal weal, repose, and tranquillity of Christendom, to the reintegration and restoration of the dignity, authority, reputation, and rights of the Church and See Apostolic, to the surety, weal, and exaltation of the king's highness, the French king, and other their confederates, and finally to the perfection of the king's said great and weighty cause, whereupon dependeth the surety of his royal person, succession, realm, people, and dominions, as any person living can or may have; and that the said most reverend father hath the fast assured favour herein of the said French king (who of his own mere motion hath frankly and liberally offered unto him all that by himself, his friends, his power, his agents, or otherwise he may or can possibly do for his advancement to the said dignity Papal) is the person who for his singular virtue, his entire devotion to peace, and restoration of the said See, the excellency of his wisdom, learning, and experience, the magnanimity in his actions and doings, the dignity wherein he is already constitute, the promotions which he hath attained, the substance that he is of, his reputation, his conduct, his diligence, his dexterity, his discretion, his policy, and finally the notable and high favour that the king's highness and the said French king bear unto him, is only he, that called to the said dignity Papal, may, can, and will meet with the inordinate ambition of the said emperor; and consequently, with establishment of tranquillity amongst Christian princes, is, by the assistance of his friends, meet, convenient, and able to succour, relieve, and clearly to repair the piteous jacture and decay that the Church and See Apostolic hath so long suffered and taken, and to defend the same from the imminent danger now apparent to ensue thereunto, if the said Emperor (who as the king's highness is credibly ascertained) determined, in the beginning of January now passed, to take his journey towards Rome, should, upon this vacation of the said See, chanced (as it is upon many evident presumptions to be thought, by some detestable act committed, for the said late Pope's destruction) now by force, violence, cautele, blandishing promises, or otherwise, have the election to proceed at his will, favour, and devotion: whereby, having a Pope at his arbitre, either he should not

fol. 69.

fail to usurp and take from him the rights, provents, and patrimony of the Church, using him as his chaplain and vassal, or else by little and little utterly to exclude and extinct him and his authority.

For this cause, if ever it were expedient that good Christian princes should look to the tuition, maintenance, defence, and continuance of Christ's Church, faith, and religion, now is it the time, above all other, to provide and beware, by all ways possible, lest the same neglected, forgotten, and not in time relieved, be brought unto extreme ruin. And therefore the king's highness, having singular and special trust and confidence in the wisdoms, discretions, fidelities, diligence, and circumspections of his said orators (to whom no part of the premises is unknown, ne how necessary and in any wise expedient it shall be for perfection of the king's said great and weighty matter to them committed, to have the said Lord Legate of Yorke, and none other, advanced to the said dignity Papal), willeth, desireth, ordaineth, and expressly chargeth and commandeth his said orators, and every of them, no less to employ, endeavour, and determine themselves to solicit, set forth, further, procure, labour, and conduce the advancement of the said Lord Legate of Yorke to that dignity, than they would that thing which the king's highness most highly, next God and his soul, with all earnestness and fervent mind, doth, above all other things, covet and desire, ne also less than they would the speedy obtaining and perfection of all such things touching the king's said great and weighty matter committed to their charge: the making or marring whereof, fol. 70. being now the said late Pope deceased, consisteth only in the advancement of the said Lord Legate of Yorke to the dignity Papal.

For (as the king's said ambassadors may by their wisdoms well think and consider) the same must of necessity come, and fortune either to one that is an assured friend to his grace and the French king, or to one that is a manifest enemy to them, favouring the emperor's part, or to one indifferent and mean between both. And if it should chance upon a manifest enemy, it is evident that the king's desire at his hand were merely impossible to be had, and never were to be accepted that way. If it should come to one being indifferent and

mean between both, it is more than notorious that his grace, at the least, should be contained with fair words and promises, and yet such respect should be had to the emperor, that finally under hope of attaining something, there should be no more but tract, delay, and finally no manner fruit or effect: whereof experience hath already been seen in one that had cause to be more friendly to the king, than indifferent or mean between both, and yet how long the matter hath depended is to the king's said ambassadors well known. So that of necessity this thing must be conduced to one that is an assured friend. Then, noting substantially the things necessary to concur in such a friend, both for the weal of Christendom, the relief of the Church, the firm adhering to the king's highness and the French king, with other their confederates, and the perfect conducting of the king's great matter, which suffereth no tract, delay, or negative, it shall be found that there is none other for this purpose but only the said Lord Legate of Yorke.

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The king's said ambassadors shall therefore plant the foundation of all their study, labour, and solicitation only to that purpose. And for the better introduction of the ways and means how this thing shall be solicited, they shall receive herewith a schedule wherein is mentioned and noted by name how many and what cardinals of likelihood shall be present at the election, and how many and which of the other shall be absent. Semblably, how many of them that be like to be present may be thought to be friends to the king's highness and the French king, whose names in the said schedule be noted with A, and how many are thought to be imperial, whose names be noted with E. In the same schedule be also set out the number and names of those that be thought to be neutral or indifferent, marked with N. And furthermore, they be first mentioned therein which be thought most like to aspire unto that dignity. Herein be many things well to be regarded. First, the number of the cardinals that are like to be present, which (as is thought here) shall not exceed thirty-nine. Secondly, that to have election to the king's purpose shall be requisite to have two parts of the three of the said number, which two parts must be twenty-six. Then is it to be noted that they which be thought to be friends to the king's highness and the French king be in number twenty: so that if they may be

made sure to the king's devotion, there shall lack but six of the number which shall suffice to make the election; which number the king's said ambassadors shall move, win, and attain either of them that be thought to be indifferent, or some other.

In the conducing whereof two ways be to be specially to be remembered. One is, if the cardinals present, having God and the Holy Ghost before them, shall be minded (as to their duty appertaineth) to have respect unto the present calamity of the Church and all Christendom, intending the relief, succour, and restoration of the same, and to preserve themselves and the dignity of the See Apostolic: then, looking profoundly upon the state of the things, they cannot fail facilly of themselves to find and perceive that to conduce their purpose there is only the said Lord Legate of Yorke. And in this case it is verily to be thought that the very reason itself, and their own conscience, shall lead them like virtuous fathers to have their principal respect hereunto, and (all particular affections set apart) to accord and agree without difficulty to that which so manifestly is known to be the thing, above all other, expedient. Nevertheless, because perforce human fragilite suffereth not all things to be pondered, trutynate, and weighed in just balance, but that (as we be men) errors may run, unless their remedy be provided: it appertaineth in matter of so high importance, to the comfort and releve of all Christendom, to succour the infirmity that may chance, not for corruption or to any perverse, unlawful, or evil intent, but rather to help to the lacks and defaults which, by such fragilite, might else take place; and therefore expedient shall it be that the king's said orators, to so notable a purpose, where they shall perceive the consideration and respect whereunto fol. 72. reason leadeth, to be in any part to be aided or supplied, do the same with policitations of promotions spiritual, offices, dignities, rewards of money, or other thing, such as they shall seem meet to the purpose: inculking into the minds of such persons as shall be requisite, first, what things the said Lord Legate of Yorke shall leave, if he should be advanced to the said dignity, which be such, as, the establishment of his state considered, be far more to his commodity (if he should regard his private weal) than to enter into this dangerous storm and

troublous. tempest for the relief of the Church and all Christendom, whereunto (his said private weal set apart) he is totally devowed and dedicate, to the exposition of his body, blood, and life, glad and ready with the sacrifice thereof, to do service to God, his Church, his faith and religion: which said promotions the king's highness, finding cause given unto him by the gratitude and conformity of his friends, will not fail to bestow to their benefit, besides large rewards, to have this so virtuous an act brought to perfection. For policitation whereof the king's said ambassadors be furnished at this time with ample commission, as by the same they shall perceive: the effect whereof they shall execute without exception as by their wisdoms shall be thought convenient, so always as it may be done with such circumspection as may be appearance of good fruit to ensue. And semblably they be furnished with letters, as well to the College of Cardinals in general, as to them all that be like to be present in particular: which they shall now deliver to the best furtherance and advancement of their purpose, not sparing to declare unto them the liberality of the said Lord Legate of Yorke, the substance that he is of, the assured assistance that he shall have of these princes and their confederates, whereby he shall be able, above any other that they can devise, to reward, promote, advance, and recompense his friends to the uttermost, assuring them that these two princes will not fail also highly and in the best sort to consider their gratitudes, with anything that they may excogitate to their profits and promotions, or any of their friends. So that by this mean, and with such good policitations, grounded upon a lawful, honourable, and just cause, and not upon any corrupt or undue intent, to conduce thing to sinister purpose, the king's said orators shall, by their good policies, attain the perfect and sure good will of a great many of them, and by that way shall, with good dexterity, combine and knit those which will adhere hereunto in a perfect fastness and in an indissoluble knot, firmly to stick and hold together, without variation or declining from their purpose, for any persuasion, practice, or mean that can be made to the contrary: which thing surely to be provided, and such a knot of twenty, eighteen, or at the least, if it may be, of sixteen cardinals to be had, is in anywise expedient. For

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they, persisting in their determination, shall not fail to empeche that no adverse part can have a full number to make a due and lawful election; and yet they, being found in a constantness to this good purpose, shall by little and little allure and bring other unto them, so as the residue, perceiving so great a towardness, and fearing a sufficient number to accede without them, and thereby the election to pass against their wills, shall perceive be the more prone and ready to come unto that party: whereunto nothing should of reason sooner move them than the very respect to the infinite goodness that thereby to themselves in particular, and the universal Church and religion Christian in general, is apparent to ensue.

Nevertheless, if leaving the direct way, they will be abused with any other incantations, or, for private ambition, persist in contending for themselves, then is it evident they search nothing more than the ruin of the said See Apostolic. In which case other ways be to be devised, and their undue demeanour to be remedied and resisted. For this cause, and to be sure in all events, the king's said orators shall by their wisdoms find the means to have some fast and sure persons in the conclave, such as may not only practise and set forth things there to the purpose, but also give such knowledge outward as the king's said orators may thereby the better know how to order their proceedings. And, amongst other, it is thought that Monsieur de Vaulx, one of the French ambassadors (whom the French king hath commanded expressly to further this matter by all the means to him possible) should be one to enter the said conclave, not as an ambassador, but as the minister of some cardinal, friend of the French king. And, semblably, Sir Gregory de Cassalis, who for his wisdom, conduct, language, acquaintance, and other good qualities, may do excellent good in that behalf.

And, in this matter, it is to be considered, that since this election in the person of the said Lord Legate of Yorke, by one way or other, suffereth no negative, albeit the king's highness trusteth that the same shall have his course directly: yet, if for lack of grace or entendement, there should be any despair thereof, other ways be to be provided. And, for that cause, to shew the said orators secretly there is a protestation passed by the cardinals being in England and in France,

fol. 74.

according to a copy which the said orators shall receive herewith, which is and shall be kept secret, unless then, by the undue proceeding used in the election, the same shall need to be published. So that the king's said orators, now advertised thereof, shall note for a special ground that if it shall appear that the election cannot be had in the person of the said Lord Legate of York, the band and number unite and knit together to the king's devotion in finding none other remedy, must be instructed beforehand, in that case, to persist in their determination; and when time shall be, by reason of such despair, to protest, grounding the same their protestation upon such respects as cannot lack to be introduced for the avoiding of the extreme dangers by the pertinacity and wilfulness of the adverse cardinals, imminent to the ruin of the Church and of all Christendom: which protestation may beforehand be couched and devised by the said Mr. Stevyn Gardynier, and by the policy of the said Monsieur de Vaulx and Sir Gregory, be set forth in time convenient; and thereupon the cardinals of the king's and the French king's adherents to depart the Conclave, whereby, repairing to other sure place, they, with the residue of the cardinals absent, may proceed to such an election as may be to God's pleasure, the weal of his Church and faith, and of all Christendom, any election that thus by pertinacity may ensue at Rome notwithstanding.

And to the intent the cardinals may be the better animated to finish the said election to the king's desire, the king's said orators shall, as they see good, offer them a presydye of two or three thousand men to be in the city of Rome for the time of the same election, which, if they will accept, the said orators shall see furnished, taking money by exchange and otherwise for their entertainment as shall be requisite: which money, or any other, that they shall take for conducing this the king's purpose, shall be truly repaid with interest and all requisites as they shall assign. And, semblably, lest terror or dread of the imperials in Naples should induce the cardinals to any error, the French king hath ordained that Seignior Renzio shall lie in a presydye, between the army of Naples and the city of Rome, like as the Viscount of Tureyn is also commanded to lie on the other side, and semblably the Venetians. So that, by

those means, not only shall they be out of all fear of the imperials, but also in the more devotion of these two princes, which shall much confer to the king's purpose, and embolden the cardinals favouring the desire of these two princes, both to persist in their deliberation and also, in time of extreme despair, to protest and depart as is aforesaid.

And because nothing should withdraw the minds of the cardinals from this purpose, who percase might think that the said Lord Legate of York, being elected, would not repair to the court of Rome, but demore in Avinion or some other place out of Italy, the king's said ambassadors shall remove all such suspicion by two evident arguments and reasons: one is, that the said Cardinal of York, advanced to that dignity, must thereby leave all other his promotions, and consequently should be dispurveyed of any habitation, place, or convenient living, if remaining in another strange country, he should differ to come unto Rome, where should be the place of his See and entire living; wherefore it were far from reason to think that he, which hitherto for his estate hath lived in such abundance, should be so pusillanime for this promotion, to bring himself into condign penury and poverty, or to live in place private, to the hindrance of his honour, profit, or reputation. Secondly, the thing principally moving him to be contented at these princes' requests to change his state present is the fervent zeal he hath to expone his study, travail, labour, substance, wit, body, blood, and life in the quarrel of God's Church, faith, and of Christendom, which is too high an exception and a ground to be taken to remain and lie in a corner or private place; but that rather than he would suffer so high an exception to be found in him, he would expone all that he might do: who, having the assistance of these two princes, should not fail (God willing) to pass directly to his See with honour and comfort unto all Italy, and the discouragement of the party that would be adverse thereunto; and therefore the cardinals should not need to fear of any such thing, but might be well assured to have his presence there to their comfort in all celerity and diligence possible.

Furthermore, to the intent the king's said ambassadors may have all the friends that may be to this purpose, expedient it shall be that they with the Venetians, the Florentines,

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the Duke of Ferrare, and all other whom they shall think good to win unto their party, use the ways that may best conduce thereunto. And, amongst other, forasmuch as they which depended upon the Cardinal de Medicis, shall doubt in this case to be rejected, the king's said orators shall inculke unto them the singular devotion and special favour that the said Lord Legate of York hath always borne unto their family, assuring them that he will take them in no further distance of entire love than they were with Pope Leo, Clement, or any other. And, semblably, they shall put the Florentines in comfort of the exclusion of the governance of the said family De Medicis in Florence, and of their enjoying of their liberty : likewise putting the cardinals in perfect hope of recovery of the patrimonies of the Church ; to contain the Venetians in good trust of a reasonable way to be taken for Servia and Ravenna, to their contentment ; and also to shew the Duke of Ferrara how the said Lord Legate was the meane of the conjunction of him in league with the French king, with assured promise of his continuance in as much love and favour as he may bear unto him in all his causes and affairs. And thus having those folks to their friends whose orators shall have the uttermost custody of the conclave, and the king's ambassadors and the French ambassadors being in the interior parts thereof, they being so amply instructed and furnished, shall not fail (God willing) by one or other of the said two ways, and specially by the direct election at Rome, if it be possible, or, at the least, by the way of the said protestation and departure of the cardinals, to conduce the king's purpose in the said election to the desired end. In the doing whereof, albeit there is no doubt but that the French orators will join with them sincerely to the perfection of the premises, in *omnem eventum*, it shall be well done that the king's said orators have a substantial and politic regard to the proceeding of the same French orators, lest that if percase they should find any despair in the election to pass in the person of the said Lord Legate of York, they making some other cardinals to their side for the advancement of any of them to the said dignity, should be the more strange, alien, or peradventure refuse to come unto the said protestation and departure out of the Conclave, which is the only remedy and refuge (the cardinals persisting in their wil-

fulness) to interrupt, disappoint, infringe, and make void their election.

One other thing there is to be well noted by the said ambassadors, and by them to be inculcate in the minds of the cardinals, that if any manner of difficulty shall be made by the imperials to condescend unto this election upon the said Lord Legate of York, and that they of the emperor's part would refuse all ways of good order and reason, proceeding to any election without the consent of the residue that would protest, they may be sure that unto that their sinister and undue way they should have no prince or potentate adherent, but only the emperor and his brother, and that the other part should have the rest of all Christendom, that is to say, the king's highness, the French king, the king of Hungary, Polonia, Scotland, and Denmark, with the Venetians, fol. 77. the dukes of Ferrara, Milan, the Florentines, and the rest of all Italy, besides the merchants of the Almaine or Hanse, and other leages being in the dominion of the said king of Polonia; and over that the king of Portugal, who is loth and sorry to see the emperor come unto so great height as he aspireth unto. So that having these mighty and notable puissances to their assistance, and the corroboration of their act, it is facile to think the other could be of no validity, ne have or take any manner of place: which is no small ground whereupon the said cardinals may be the better animate to the king's and the French king's said devotion, and therefore it is to be imprinted in their minds accordingly.

Finally, if the king's said orators, endeavouring themselves to the conducing of the said election in the person of the said Lord Legate of York, should, at the last, find that there were none other difficulty but only that the election in his person being totally desperate, the same were conducive to the Cardinal Campegius: then, rather than all should fail, if the other could by no means be brought to pass, the king's pleasure is, that being assured it may, the other lacking, be conducted to the same Cardinal Campegius, they take such way as in that case the protestation be foreborn, and for the last refuge, if the other may not be, the election, at the least, to pass in the person of the said Cardinal Campegius: whereof there is no appearance, considering that the respects for the

which the said Lord Legate of York should by the king's and the French king's means be brought hereunto, do for the greatest part fail and cease by the election of any other than himself, which is in this case to be remembered accordingly.

Thus be the king's said orators instructed, as far as man's reason can here devise, what is to be done for conducting the king's purpose to effect, knowing well of what importance the thing is, and what consequences depend upon it, namely, for the perfection of the king's high and weighty matter, which otherwise, than by election of the said Lord Legate of York, hath no manner way to be conduced by authority of the See Apostolic. There resteth no more but they who well know the same great matter to suffer no nay ne repulse, but by the election in the person of the said Lord Legate, do employ the uttermost that in their hearts, powers, wits, bodies, and minds may be, to the perfection thereof, whereby they shall do the greatest service that can be for this time excogitate to do unto their prince, deserve immortal laud, thanks, and praise, and be sure to consecute thereby such reward as shall be to their comforts, rejoice, and honour, besides manifold other notable goodnesses, whereof they shall be the procurers and solicitors to their merit perpetual. All which, they may be sure, shall be considered accordingly ³.

³ This document was printed by Foxe, p. 1126, ed. 2, with several mistakes, most of them of no great importance. In the schedule he read the letter E as B, taking A and B to represent the first two letters of the alphabet; whereas they stand for those who favour the Anglican side or the Emperor's respectively.

Number V.

Draft of the King's commission to his Orators to treat with the Cardinals about the election of a new Pope. February 7, 1529.

HENRICUS etc [omnibus præsentes literas visuris vel
 audituris] salutem. Cum nos certiores facti simus, Cle-<sup>Vitell.
B. xiv.
fol. 118.</sup>mentem [cujus animæ propitiatur Christus, fatum] obiisse,
 quod fatum
 nendis sit manifest
 Nostrarum propterea partium esse duximus [necnon officii]
 Christiani principis, quoad per nos fieri possit, [precibus ac]
 votis omnibus ab omnipotente Deo exposcere ut sum[mum]
 Pontificem divi]næ suæ Majestati acceptum, Christianæ rei-
 publicæ salutarem, et s[anctæ] ecclesiæ dignitatis studiosum
 et amantem nobis concedat
 providentia in hâc proximâ electione Reverendissimis Dominis
 Car[dinalibus] communibus sententiis eligendi mentem conferat.
 Quâ in [re, ne nos Christiani] principis ac sanctæ sedi dedi-
 tissimi officium omisisse [videamur, dile]ctos nobis Dominum
 Stephanum Gardinerum, Juris utriusque Doctorem, [Dominum
 Fran]ciscum Bryanum, Dominum Gregorium Casalium, et
 Dominum Pe[trum Vannes, le]gitimos nostros Consiliarios,
 oratores, ambassiatores, [commissarios,] deputatos, nuncios et
 procuratores nostros facimus, ord[inam]us et constituimus per
 præsentes, dantes et conceden[tes eisdem] et conjunctim, vel
 eorum alteri per se divisim, potestat[em generalem] et tam
 generale quam speciale mandatum pro nobis ac vice [et auc-
 torita]te nostris, Reverendissimos patres Sanctæ Romanæ
 Ecclesiæ Cardinales [conveniendi], adeundi, et cum eisdem
 super summo Pontifice eligen[do com]municandi, ipsosque ad
 Pontificem quem religione, p[ietate,] atque prudentiâ magis
 habilem et idoneum judicaver[int, omni] inordinatâ affectione
 sepositâ, eligendum, nostro no[mine] et suadendi
 ac omnibus melioribus via

. et suppetias in hâc re ad opta-
 servanda offerendi, ac prom[it-
 tendi] m nostros Consiliarios, oratores,
 [ambassiatores, deputatos, commissa]rios et procuratores ob-
 lata et pro[missa] a effectualiter obli-
 gandi, ac cætera nomine nostro faciendi, gerendi, procurandi,
 et expediendi quæ in præmissis et circa ea necessaria fuerint
 seu quomodolibet oportuna, etiam si mandatum de se magis
 exigant speciale quam præsentibus est expressum, et quæ nos
 ipsi faceremus vel facere possemus, si præsentibus istis inter-
 essemus, bonâ fide promittentes in verbo regio nos ratum,
 gratum et firmum habituros, ac bonâ fide perimpleturos,
 totum et quicquid per dictos nostros oratores, ambassiatores,
 commissarios, deputatos, nuncios et procuratores, aut eorum
 alterum nomine nostro actum, gestum et procuratum sive
 promissum et oblatum fuerit in præmissis vel aliquo præ-
 missorum.

In cujus rei testimonium his literis nostris patentibus manu
 nostrâ signatis magnum sigillum nostrum duximus apponen-
 dum.

Dat etc. ⁴

⁴ This document has been slightly scribed wrongly in the Cotton Cata-
 corrected in the original. It is de- logue as belonging to the year 1534.

Number VI.

*Arrangement of the names of the Cardinals as they were
supposed in England to stand affected towards the election
of Wolsey. February 7, 1529.*

CAR[DINALES].

Vitell.
B. xiv.
fol. 10.

Pap. X.

Farnesius.	Valle e.
Monte.	Columna e.
Anconitanus.	Campegius a.
Senensis e.	Sanctæ Crucis e.
Eboracensis a.	Ursinus a.

IX.

Anconitanus n.	Perusinus n.
Ravennatensis.	Cibo n.
Cortonensis n.	Mantuanus n.
Ægidius fr. n. ⁵	Gonzaga n.
Gaddi n.	

XXVII.

Senensis e.	Moguntinus e.
Valle e.	Leodiensis e.
Columna e.	⁶ [Cesarinus e.
Gaietanus e.	Grimaldi e.
Evouort e.	Cornaro a.
Neapolitanus e.	Grimani a.
Matera e.	Santi Quattri a.]
Santo-Severinus e.	Burbo[n a.]
Curcensis e.	Cancell. fr. [a.]

⁵ Between Ægidius and Gaddi occurs *Gaietan* erased.

⁶ Five names here have been lost.

Ursinus a.
Cesis a.
Salviati a.
Rodulfus a.
Triultius a.

Pisanus a.
Lothoringiæ a.
Cornelius a.
Hippolitus a.⁷

⁷ Le Grand has published a similar list of Cardinals, which exhibits a tolerable correspondence with this list. They are divided into four classes: the imperials, the anti-imperials, the doubtful, and the absent. The imperials correspond nearly to the beginning of the third list in this document, and consist of 15. St. Giles and Perouse and Gonzaga are counted imperial instead of neutral, and Campeggio imperial instead of anti-

imperial. The reasons for their being so counted are added. In the second list of anti-imperials there is but little agreement; but in the French catalogue only three, the Cardinals of Ancona, Ravenna, and Medici, are considered doubtful; and the remaining six, the Cardinals of York, Mayence, Saltzburgh, Portugal, Liege, and Sens, are classed as certain not to be present at any election.

Number VII.

Holograph letter from Wolsey to Gardiner, urging him to do all he can to secure his election to the Papal chair; written February 7, 1529.

MASTER Stevyns, albeit ye shall be sufficiently with your colleagues, by such instructions as be given to Monsieur Vincent, informed of the king's mind and mine concerning my advancement unto the dignity Papal, not doubting but that for the singular devotion which ye bear towards the king and his affairs, both general and particular, and perfect love which ye have towards me, ye will omit nothing that may be excogitate to serve and conduce to that purpose; yet I thought convenient, for the more fervent expression of my mind in that behalf, to write unto you (as to the person whom I most entirely do trust, and by whom this thing shall be most pyghly^s set forth) these few words following, of my own hand.

Vitell.
B. xi.
fol. 57.

I doubt not but ye do profoundly consider as well the state wherein the Church and all Christendom doth stand now presently, as also the state of this realm, and of the king's secret matter, which, if it should be brought to pass by any other means than by the authority of the Church, I account this prince and realm utterly undone: wherefore it is expedient to have such one to be Pope and common father of all princes as may, can, and will give remedy to the premises.

And albeit I account myself much unhable, and that it shall be now incommodious, in this mine old age, to be the said common father, yet when all things be well pondered, and the qualities of all the cardinals well considered (*absit verbum jactantiæ*), there shall be none found that can and will set remedy in the foresaid things, but only the Cardinal Ebor., whose good will and zeal is not to you, of all men, unknown.

^s This word was printed by Foxe *pythely*, which is probably what is meant.

And were it not for the reintegration of the state of the Church and See Apostolic to the pristine dignity, and for the conducing of peace amongst Christian princes, and specially to relieve this prince and realm from the calamities that the same be now in, all the riches or honour of the world should not cause me, *nedum aspirare, sed ne consentire*, to accept the said dignity, although the same, with all commodities, were offered unto me. Nevertheless, conforming myself to the necessity of the time, and the will and pleasure of these two princes, I am content to appone all my wit and study, and to set forth all means and ways, *ut bene faciam rebus Christianitatis*, for the attaining of the said dignity.

For the achieving and attaining whereof, forasmuch as thereupon dependeth the health and wealth, not only of these two princes and their realms, but of all Christendom, nothing is to be omitted that may conduce to the said end and purpose. Wherefore, Master Stevyns, since you be so plainly advertised of my mind and intent, I shall pray you to extend, *omnes nervos ingenii tui, ut ista res ad effectum produci possit, nullis parcendo sumptibus, pollicitationibus, sive laboribus; ita ut hominum videris ingenia et affectiones, sive ad privata sive ad publica, ita accommodes actiones tuas. Non deest tibi et collegis tuis amplissima potestas, nullis terminis aut conditionibus limitata seu restricta, et quidquid feceris, scito omnia apud hunc regem et me esse grata et rata. Nam omnia (ut paucis absolvam) in tuo ingenio et fide reposuimus. Nichil superest aliud scribendum, nisi quod supplex orem, ut omnes actiones tuas secundet Deus optimus maximusque, et ex corde vale.*

Ex ædibus meis Westmonast. 7 Februarii.

Tuæ salutis et amplitudinis cupidissimus.

T. EBOR.⁹

⁹ This letter was printed by Foxe, p. 1226.

Number VIII.

Copy of the Queen's Appeal, drawn up June 16, 1529.

IN [Dei nomine, Amen. Per hoc publicum instrumentum] ^{Vitell.}
 cunctis [appareat evidenter et sit notum, quod anno Domini ^{B. xiv,}
 millesimo] quinge[ntesimo vicesimo nono, indictione secundâ, ^{fol. 17,}
 pontificatûs Sanctissimi] in Christo [patris et Domini nostri,
 Domini Clementis] divinâ providenc[iâ illius nominis Papæ
 septimi anno] sexto, mensis vero Junii [decimo sexto, in ædi-
 bus] Illustrissimi principis et domini nostri, dom[ini Henrici,]
 Dei gratiâ Regis Angliæ et Franciæ [fideique] defen-
 soris et domini Hiberniæ, vulg[ariter nuncupatis] Barnerd's
 Castell, civitatis L[ondoniensis, in quâdam] altâ camerâ ibidem
 in nostrorum Johannis [Clerk et] Johannis Talcarnæ, notari-
 orum pu[blicorum, subscriptorum et testium inferius nomin]a-
 torum præsençiâ const[ituta, serenissima Domina K]atherina,
 Angliæ [et Franciæ Regina, querelam, supplicatione]m, provo-
 cacionem et [appellationem,] peticio-
 nem, ac pro[testationem hujusmodi i]n scriptis redactam fecit
 , provocavitque, et appellavit, ac apostolos
 pluries petiit, atque protestata fuit, ac cetera fecit, sub eorum
 qui sequuntur tenore verborum.

In Dei nomine. Amen.

Coram vobis publicis et authenticis personis ac testibus fide
 dignis, hic præsentibus, Nos, Katherina, Angliæ et Franciæ
 Regina, potentissimi et invictissimi principis et domini Hen-
 [rici, Dei gratiâ Regis Angliæ et Franciæ] fid[ei defensoris
 et domini Hiberniæ, uxor] et c[onjux legitima, dicimus,
 allegamus,] et in hii[s scriptis animo querelandi, supplicandi
 et] appellandi, prop[onimus. Quod licet] idem potentissimus
 princeps [Dominus Henricus et] nos, præfata Katherina, spon-
 sali[a invicem et] matrimonium verum, purum et legit[imum,
 etiam] auctoritate apostolicâ, nobis in eâ parte c[oncessâ,] legi-
 time contraxerimus, atque in poss[essione præmissorum] seu

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R R

quasi ejusdem matrimonii [notorie extiterimus]
 os que Katherina seu quasi
 [ejusdem matrimonii] et mariti mei
 per tempora [supradicta fu]erimus,
 prout in præsentī notorie sumus, omnibusque et singulis Judi-
 cibus et sanctæ matris ecclesiæ mandatis canonicis, licitis et
 honestis quibuscunque obedire et parere prompta et parata.

Metuentes tamen ex quibusdam causis probabilibus, et verisi-
 libus ¹⁰ conjecturis, nobis et st
 de
 nuper
 recuse

parte nostrâ
 forma coram Sanctiss[imo Domino Clemente Papâ] moderno,
 et ad ipsum interposita[s et factas] atque per eum receptas,
 et earum ca[usas aliis] Judicibus etiam commissas, necn[on]
 post et contra revo[cacionem et advocacionem] literarum com-
 missionalium quarumcunque Reverendissimis in Christo pa-
 tr[ibus et] Dominis, Domino Thomæ mise[racione] divinâ
 tituli Sanctæ Cecilie Eboracensi et [Domino Laurentio, eâdem
 miserati]one tituli [Sanctæ Mariæ in Transtiberi]m, de Cam-
 pegio, [nuncupatis Presbiteris C]ardinalibus, dicti [Sanctis-
 simi Domini nost]ri, Papæ et sedis apostolicæ in Regno
 Angliæ de latere legatis, commissariis et vicegerentibus, (ut
 prætenditur) ac tocius negotii in eisdem specificati, per eun-
 dem Dominum nostrum Papam factas, ac eisdem Reverendis-
 simis patribus etiam intimatas.

Et postquam nos prædicta omnia et singula
 al
 a
 adh
 omnibus
 quibus d
 expedit, et non
 commissarii et vicegerentes prætensi [de facto,] cum de Jure
 non possent, nos [Katherinam] prædictam ad comparendum
 coram [eis, certo] die et loco nobis incompetētib[us], contra
 formam dictarum literarum com[missionalium] prætensarum

¹⁰ A mistake of copy for *verisimilibus*.

prædictarum, ad nullius [instanciam sive petitionem, citare, licet nulliter, decreverunt] et fecerunt
 [commis]sarii et vice[gerentes]
 ter seu quivis dato
 prætenso aliquid uit
 nostri matrimonii pri sive possessionis seu quasi
 juris que nostri prædicti præjudicium attemptent vel attemptet,
 faciantve aut faciat aliquo aliter attemptari, in Judicio vel extra,
 ex officio mero, mixto vel promoto, aut ad alicujus partis in-
 stanciam, petitionem, persuasionem inj
 pr
 statui
 divorciam
 sentenciando d
 seu quicquam aliud quocunque
 quæsito colore per modum inquisic[ionis,] citacionis, promo-
 tionis, accusacionis, [ad] alicujus partis instanciam seu aliter

Et simili modo ne aliquod g[ravamen] vexatio, molestatio,
 inquietatio parti[mescencia, in]pendium, præjudicium, aut de-
 tri[mentum per]sonam seu quascunque
 s dignitatis aut
 t circa matrimonium
 si nostram prædictam sine
 nobis inferatur, attemptetur
 aut ingeratur, ad eundem Sanctissimum Dominum nostrum
 Papam, et sacrosanctam sedem apostolicam omnibus melioribus
 modo, viâ et juris formâ, quibus melius possumus, in hiis scriptis
 provocamus et appellamus, apostolosque, quatenus hic sunt
 petendi, petimus, primo, secundo et tercio instanter, instantius
 et instantissime, nobis trad[i, dari, et liberari cum effectu.]
 Ka
 app
 ab eïis
 inque meliore
 magistrorum, Jurisperitorum [prout moris est,]
 Juris, atque stili.

Super quibus [omnibus] et singulis præmissis, præfata
 [Katherina] Regina, nos Johannem Clerk et [Johannem]
 Talcarne, notarios publicos subs[criptos, exinde] unum vel

plura, publicum seu pu[blica, instrumentum,] sive instrumenta conficere re[quisivit].

[Acta fuerunt hæc omnia et singula,] prout supra scribuntur [et recitantur, sub anno Domini,] Indictione, [Pontificatu, mense, die et] loco prædictis, præsentibus [tunc ibidem Reverendissimo.in] Christo, Willelmo Cant. [Archiepiscopo, necnon] Reverendis in Christo patribus, Cuth[berto Londinie]nsi, Nicholao Eliensi, Johanne Batoniensi et Wellensi, Johanne Roffensi, Georgio Landavensi, et Henrico Assavensi respective Episcopis, ac venerabili viro, Magistro Roberto Shurton, sacrae theologiæ professore, testibus præmissa audientibus, specialiter rogatis et requisitis.

Et ego Johannes Clerk, Bathoniensis et Wellensis diocesis publicus auctoritate Apostolicâ notarius, necnon al
Q
ap
que p[ræmissis omnibus et singulis, prout præmittitur] simili
. [sub anno Domini, indictione, Pontificatu] mense,
die [et loco prædictis agebantur et fiebant] una cum testibus
[prænominatis et Johanne] Talcarne notario p[ublico]
. præsens personaliter interfui, eaque [omnia et singula] sic fieri vidi et audiui. Ideo [hoc publicum] instrumentum, manu alienâ, me inte[r]im legitime im[p]edito negociis, scriptum, ad specia[lem] petitionem] et requisitionem dictæ serenissimæ [Dominæ,] Katherinæ Reginæ exinde confeci, [subscripsi] publicavi, atque in hanc publicam [formam redegi] signoque et nomine meis solitis [et consuetis signavi] in fidem et testimonium præmissorum [omnium et singulorum ad id] rogatus specialiter et requisitus [in fidem et testimonium omnium et singulorum præmissorum]
.

[Et ego Johannes Talcarne] Exoniensis dioce[sis] publicus auctoritate Apostolicâ notar]ius, quia supradictis [juramenti præstitioni, pe]titioni ac pro[testationi] ceterisque præmi]ssis omnibus et [singulis dum sicut] præmittitur, sub anno [Domini, indictione], pontificatu, mense, die [et loco prædict]is agebantur et fiebant, una cum prænominatis notario publico et testibus, præsens personaliter interfui, eaque omnia et singula sic fieri vidi et audiui. Ideo hoc præsens publicum instrumentum manu alienâ, me aliunde occupato, scriptum ad speci-

alem requisicionem dictæ serenissimæ dominæ Katherinæ Reginæ Angliæ exinde confeci, subscripsi, publicavi, et in hanc publicam formam redegi, signoque et nomine meis solitis et consuetis signavi rogatus et requisitus in fidem et testimonium omnium et singulorum præmissorum.

[Per me] Florianum Montinum notarium in causâ assumptum collatio[natum] cum originali.

[Ita testor, Willelmus] Claiburgh, notarius etiam assumptus.

Number IX.

Clement's letter to the King apologizing for being unable to grant the request made to him by the Ambassadors; written July 8, 1529.

Raynald.
tom xiii.
p. 126.

REGI Angliæ.

Charissime, etc. Dilectum filium Willelmum Benet, qui proxime a serenitate tuâ ad nos venit orator, libenter vidimus, virum gravem ac prudentem; sed id nobis maxime molestum est non posse nos serenitati tuæ quantum vellemus gratificari in iis, quæ per ipsum atque alios oratores suos ac proximas literas a nobis petit: sed tamen consolamur nos, quod Deum testem habemus, nos quidquid potuimus ne pene plus quam tribuisse amoris nostro erga serenitatem tuam, ejusque in nos atque in hanc sedem meritis possemus¹¹: nunc vero, quæ causæ nos studio tibi gratificandi longius provectoros impediunt audiet ex dilecto filio Cardinali Campegio legato nostro. Ab eâ petimus, ut suâ virtute atque prudentiâ circumspiciat quânam ratione possimus, quod jus et consuetudo exigit, alteri parti denegare; consideretque tempora sedis Apostolicæ ac Christianitatis in præcipiti positæ; quamvis nullâ re possemus retrahi a studio tibi gratificandi, nisi etiam ratio officii nostri ac personæ, quam sustinemus, nos impedirent: quod si majestas tua fecerit, non dubitamus quin ejus benevolentiam erga nos, pietatemque erga hanc sedem retenturi simus, ut pluribus idem Cardinalis tuæ majestati explicabit, cui solitam fidem habebit.

Dat. Romæ 8 Julii M.D.XXIX. pontificatûs nostri anno sexto.

¹¹ There is some confusion in the wording of this sentence which shews that it has been wrongly copied; though the sense is clear.

Number X.

Clement's letter to the King explaining how considerations of justice compelled him to grant the advocacy of the cause; written July 19, 1529.

REGI Angliæ.

Raynald.
tom. xiii.
p. 126.

Charissime, etc. Quâ instantiâ et quamdiu nostras aures pulsaverint Cæsarei agentes, ut causam istic ad instantiam tuæ serenitatis commissam avocaremus, non dubitamus ad serenitatem tuam per oratores tuos sæpius esse perscriptum: quod autem interea nobis fuerit gratificandi tibi studium, res ipsa hactenus docuit, qui tanto tempore tam justas petitiones sustinimus, ne tuæ serenitati, cui placere semper cupimus, in eo displiceremus: sed tamen victa est ad postremum patientia nostra ratione justitiæ, coactique sumus omnibus non solum referendariis et advocatis palatii nostri auditoribus, sanctæ Romanæ ecclesiæ Cardinalibus, ita judicantibus, advocacy ipsam concedere, et jus, quod unicuique debemus, ipsi etiam Cæsari aliquando reddere: quod ipsum quam molestum animo nostro inciderit, si non dilatio rei ipsius multo antea debitæ, præterita certe erga serenitatem tuam studia nostra confirmare, ut credimus, tibi possunt, nos ad hoc, quod sero devenimus, etiam valde invitos devenisse, cum etiam omnia prius tentaverimus, quemadmodum tui ad te perscribere potuerunt, ne ad hoc descendere cogeremur. Quare serenitatem tuam pro tuâ singulari æquitate exhortamur, et omni studio requirimus in Deo domino, ut æqui bonique consulas, necessitatem hanc nostram justitiæ administrandæ, nihilque ob eam causam de nostrâ veteri ac mutuâ benivolentiâ imminutum velis. Quod si feceris, ut quidem cupimus, et a bonitate tuâ expectamus, nihil a te nobis gratius fieri poterit; quemadmodum dilectus filius noster Cardinalis Campegius hæc plenius tuæ serenitati referet.

Datum Romæ etc. die 19 Julii M.D.XXIX. pontificatûs nostri anno sexto.

Number XI.

*Copy of a letter sent from Bologna to Croke informing him that
as yet no provision had been made for the dispensations
he asked for; written January 12, 1530.*

Vitell.
B. xiii.
fol. 43,
al. 44.
lin. 1.

FRATER carissime,

Ad literas tuas quas recepi non est quod responde[am,
præterquam] quod laudo operam tuam, et hortor ut procedas
ad impediment[um removendum] quod providebitur, prout
brevis ad te copiosius scribam. Inter[ea mihi] videtur quod
isthinc non discedas; non enim multi dies postquam has [lite-
ras] receperis transibunt, donec copiosiores habueris literas.
Scripsi [de eo quod] cupis et de omnibus quæ ad me scribis
significavi; de dispensationibus nihil adhuc factum; de officio
quod cupiebas jam ali[is] literis significavi id obtentum esse.

Bene vale. Bononiæ die 12 Januarii M.D.XXX.

Tuus frater ROBER[TUS]

Number XII.

First draft of a letter from Croke to the King, describing his plan of operation; written January 24, 1530.

DOMINUS Wigorniensis, illustrissime et potentissime prin- Vitell.
ceps, ut est in tuis [rebus] fidelissime sollicitus, et per amicos B. xiii.
cum Theologo quodam eximie erudito [fidel]iter se egisse ait, fol. 7 b.
et illius scripta quotidie expectare. In causâ tamen [Majes]-
tatis tuæ, præsentē saltem Pontifice et Cæsare, aliquid hic at-
temptare nec [au]sus est nec putavit consultum. Porro ab
ipsorum discessu et cum Judæis, quod mihi faciundum suasit
Stoxleius, molietur, et cum Theologis qui (quoniam hic omnes
Thomisticæ sectæ sunt) ut pro te pronuncient non desperat
effecturum.

Certe anxie videtur in hoc negotio diligens. Proinde, ne
ullus suspicioni locus detur, quid hic ille mecum communiter
tractemus neque hic neque Rhomæ mihi cum ipsis, ædibus
habitandum putat. Vult tamen, absente Pontifice, ut Rhomæ
suas ædes habitem, et hic mihi sibi vicinās assignavit. Quoque
res magis ab omni suspitione procul sit, visum illi est ut non
recta hinc Rhomam, sed primo Paduam, tentaturus Theolo-
gorum illic animos ac inde ut Venetias, bibliothecam scruta-
turus Græcam, contendam; rursum ab urbe Venetâ Rhomam,
illicque (si vacet) Pœnitentiarii munus ambiam. Quod ut asse-
quar, omnem suam operam opemque pollicetur, et si assequar,
non modo rem extra omnem suspicionem fore sperat sed
etiam liberius mihi semper ad quamlibet bibliothecam fore ac-
cessum, quod hoc nomine Pontificiæ non tuæ Majestatis minis-
ter sim habendus. Porro ut videat regia bonitas tua quam
eximiâ quamque anxîâ diligentîâ doctissimus et idem fidelis-
simus subditus tuus Dominus Joannes Stoxleius hanc tuæ
Majestatis causam sustineat, mitto ad celsitudinem tuam ipsius
ad postulata mea instructiones, ex quibus quot scripturarum
loca mihi sunt evolvenda, quot item interpretes super ipsis
singulis mihi sunt consulendi. Cum viderit prudentia tua, non

ægre regiâ istâ clementiâ tuâ spero me impetraturum ut cogitet quantum oneris tenuitati meæ imposuerit Majestas tua, cui mandavit ut tot tamque varias auctorum interpretationes, si quod causam adjuvet tuam, id ego non semel, sed ter et eo amplius describam, relictis apud Reverendum Wigorniensem singulorum duplicatis triplicatisque.

Serenissime Rex, ego magnâ spe sum ut omnis eruditorum cohors pro te pronunciet. Quod autem jussit Stoxleius ut cum Judæis Rhomæ id ego si commode fieri posset cum his qui Paduæ sunt primum transigam obliqueque velut aliud agens Theologorum animis illic exploratis discedam Venetias. Spero fore ut et diligentiam et fidem in hâc re meam non sit improbatura Majestas tua.

Non ¹² sinit tenuitas mea ut hoc celem clementiam tuam, Bononiæ tribus ducatis in diem ægre mihi vitam tolerari. Et Rhomæ quam hic, omnia triplo esse chariora constanter affirmat Dominus Wigorniensis cujus consilium est propter oculatam in exquirendis archanis alienis hospitum Rhomanorum curiositatem ut solus Rhomæ solas habitem. Neque cum alio quopiam quam se [quip]piam habeam commertii.

Hæc sunt quæ modo oratoribus tuis putavi committenda. Fæliciter vale illustris princeps.

Bononiæ 9 Ka. Feb.

¹² This paragraph is added afterwards in a larger hand, and, being without erasures, apparently was copied from the complete letter, of which the above is the first draft.

It is full of erasures and alterations, and in some cases it was difficult to decide what was meant to be erased and what to stand.

Number XIII.

Copy of a letter from Croke to Ghinucci, asking for instructions; written January 29, 1530.

NOS ad te scripsimus, et oramus ut ad Veronensem saltim
et Theatinum scriberes, ostendimusque quanta apud illos libro-
rum esset supellex, et nihil scripsisti porro ut videas quo pacto
cum Theatino et Aleandro egeram. Finxi esse multos principes
qui molirentur extruere bibliothecam, et mihi datum nego-
tium libros per bibliothecas disquirendi. Pudet esse tam lon-
gum, pudet esse tam garrulum. Sed quia tu tam surdus es,
cogor vociferare, clamare, exclamare, tonare etiam si possem;
nisi accurate respondeas ad omnia, nisi de pecuniâ prospicias,
video mihi cum eâ quæ superest pusillâ redeundum in Angliam;
nam, cum quo me Rhomæ alam non habeam viaticum, non
est illic eundum, ubi ne deo quidem mendicanti darent aliquid
homines parum misericordes.

Vitell.
B. xiii.
fol. 30,
lin. 15.

Hæc sunt quibus ut respondeat Reverenda Dominatio tua
expecto.

Primum, an velis pro his libris vel omnibus vel aliquibus ad
Veronensem scribere, scilicet, Nazianzeni et Basili epistolis,
Chrysostomo super Pauli epistolas, et Maximo super vetus
Testamentum?

An velis mihi de pecuniâ quâ hic et Rhomæ me alam,
Romamque possem ire, prospicere et quando?

An velis ad patrem Franciscum scribere, et gratias agendo
illum confirmare, ut quâ cœpit, pergat; item polliceri, quic-
quid ille et alii scripserint, secretum habiturum, donec ad
publicam disputationem veniatur; et ut penes te unum et me
ipsius consilium esse scias, negavit protonotario aliquid se in
hâc re scripsisse aut scripturum nisi veniâ Pontificis et rogatu
regis?

An velis ut per patrem Franciscum aliquis subornetur,
qui cum Senatu agat Veneto, ut has conclusiones committat

fol. 31. scholæ Patavinæ, per Scripturas et Canones determinandas? Quod si fiat, nihil dubitat bonus pater effecturum, ut tota schola pro nobis pronunciet. Ego scio bonam partem Theologorum [et doctorum] Venetorum et Patavinorum sic ab eo pendere ut impellere [eos possit si ve]llit. Nec mirum, cum ejus consobrinus Marinus Georgius ex illis duodecim primariis consiliariis, et sena[tûs] . . . sit, et Patavinæ scholæ præfecturam habeat, publicisque in eâ l[ectoribus] stipendia persolvat. In quo numero, fuit ante susceptum h[abitum] etiam pater Franciscus.

An leges judiciales Veteris Testamenti sint in toto abolitæ, vel in parte per advenientem legem evangelicam?

An judiciales sic a moralibus distinguantur ut nulla earum, in parte moralis, in parte vero judicialis esse posset?

An morales omnes naturales sint?

An morales et naturales leges, etiam Veteris Testamenti, ejus semper fuerint roboris, ut si novum ad ipsorum confirmationem statutum unquam ab ecclesiâ factum fuisset, illæ tum et semper et omnes obligassent?

An contra sic morales et naturales ex potestate legitimâ et ordinariâ Papa dispensare posset?

An literas quas ad Stoxleium [scripsi] adhuc in Angliâ

.

An aliquid nobis ex Angliâ scriptum sit, aut ad te de nob[is]?

Quid de dispensationibus Foxus et ego expectemus?

Quid cum Cardinale Grimanno pro his libris feceris; obsecro etiam ut literas impetres ad monachos Antonii uti ipsi quos illinc velim libros domi mihi legendos concedant?

An librum patris Francisci et quot a nobis literas acceperis, ut videas, si fuerint interceptæ, tibi ascribendum non mihi semper. Vidi in ministri tui literis inclusas meas et a Pandulpho Nerone intellexeram omnes tibi traditas; quo magis miror, cum sic tuam operam petat causæ regiæ necessitas, quod ante facturum te policebaris nihil ad me. Sed neque pro me ad eorum aliquem voluisti. Nunciavit mihi frater Georgius protonotarium illi dixisse et me Anglum esse, et regia hic tractare negocia, Cæsaremque maxime regiæ causæ adversari, pontificemque, licet occulte nobis fav[et], non audere per Cæsarem illud profiteri, denique maximas esse de hoc negotio in

ipsâ Angliâ controversias. Quibus verbis mirifice exterruit fratrem Franciscum et in me incitavit. Placavi tamen hominem utcunque, ita ut post illas primas, mitiores ad me mitteret. Heri, hodie se curaturum dixit de Cassalis ut bibliothecam sancti Marci viderem. Hodie remittit, neque secretario otium esse dicit qui sibi libros traditurus est pollicitus; sic nobiscum nugatur iste. Sed istud probe occurrit scrip[sisse] me ad te, munera et scriptores et libros me exhausisse. De scriptori[bus] adhuc plenam summam non cognosco. Quare eam adhuc tacebo. Sed ne prodigum putes, consumpsi in libros et munera, viginti duntaxat scuta, et tamen ex quadraginta centum scutis, non plura mihi quam quinquaginta supersunt, ex quibus ministri mei ad vos iter decem absumet. Sic sunt omnia chara; tales habent latrones hospitia. Jubebam ut minist[er] tuus, cui non immerito fido et te fidere puto, scriberet quantum in scriptores et monachos et libros et victum insumerem, ne to nos profundere temere omnia, dabimus rationem cujus nos non pud[ebit] in tempore respondisses, si pecunia ad sing Cassalis nos non irrisisset, jam fuisset Romæ Patavium pronunciasset. Cras haud dubie libros [Sanc]ti Marci quos quæri- fol. 31 b.
mus operâ Francisci Georgii et tamen [pri]die mihi significaverat, ministro tuo interprete, de Cassalis quod index ille quem mihi tradidit erat verissimus. Qui cum non habeat quos [quær]imus, quid aliud dixit quam nolle se ut viderem quæ illic sunt et quos ipse regi persuasit ante hic non esse.

Nomina eorum qui pro nobis favent. In primis nobilis sacerdos laicus, Philippus de Chremis doctor et in utroque jure et in theologiâ, qui pro nostrâ parte scribet manifestissime Deinde frater Franciscus Georgius, cujus libro subscripsere doctores¹³

Scripsit etiam pro nobis doctor Joannes Maria, et doctor Valerius Bergomensis, Patavini, et alii quorum opera, quoniam adhuc non sunt ita absoluta ut cupio, mittam postea. Per Deum, si vel mihi pecunia adfuisset vel consilium tuum, jam cum tuâ magnâ gloriâ Rex voto suo in Italiâ fuisset potitus.

¹³ Blank, as if meant for some numeral to follow.

Number XIV.

Copy of a letter from Croke to Ghinucci detailing his progress in reading up the subject in the Fathers; written February 2, 1530.

Vitell.
B. xiii.
fol. 29 b.
lin. 9.

REVERENDE in Christo pater et domine, salutem et felicitatem.

Venerat ad me multâ nocte heri de Cassalis, attulitque secum non sermones modo Nazianzeni, sed etiam epistolas tam Nazianzeni quam Basilii, illas inquam ab Aldo ante annos viginti excusas. Sed de illo quem nos hic tam diu quæсивimus ne ullum quidem verbum tum, quod ille non libenter de eo audiat, et quod, si nos nimium urgeremus, faceremus nostrâ solitudine ut ille multo esset solitior¹⁴ in eo subducendo.

Certe hactenus ne unum quidem librum ejus beneficio vidimus, et quam ille cupiat ut Nazianzenum videamus, tibi ex collatione indicum (quos jam mittimus) relinquimus judicandum. Magnâ tamen humanitate cum apud eum de inopiâ quæreremus, nobis decem ducatos hesternâ nocte est pollicitus, donec a te rursum audiat. Venerat etiam ad me pridie sub idem tempus, retulitque de frequentibus interim ex quo huc venit ad se et ab Angliâ et Bononiâ missis literis; et tua tamen Dominatio ad nos nihil, post tot et tam longas litteras. Obsecro te quid times? At illos fortasse nolis offendere. Quis a te hoc exegit; et tu, quid putas velle me litteras tuas cuiquam prodere, qui tam sum anxius ne tu cuipiam quippiam prodas. Si hoc non putas, cur nihil scribis, cur tot obrutum curis nihil solaris? Ut mihi nolles credere, ut illos nolles offendere, certe debuisses principis mei causam consilio saltem promovere tuo. Sed quid ego hæc ad te, cujus tam obstinatum silentium est ut neque amor in te meus, neque principis aut causa aut nomen toties inculcatum vel unicum potuerit verbum extorquere. Utinam te jurgare possem, utinam possem irasci tibi; non dicam plura, ne te, quem maxime et amo et veneror, iratum habeam.

¹⁴ Probably a mistake for *solicitor*.

Quod ad moram hic meam attinet, imus, redimus ad bibliothecas quottidie; totos dies, totas noctes libris legendis immoramur, scribimus, disputamus, et aliis quæ scribant indicamus. Quid ego plus possem homo unus et solus? Jam certum est hic libros omnes illos esse quos mihi Rhomæ legendos perscripsit Stoxleius, et Nazianzeni epistolas illas quas nos maxime cupimus, et Rhomæ non esse et hic esse a fide dignis Utini uterque accepimus. Jam ut scias quos hic libros hic percurramus, primo rapsodiam Macarii, Theodori, Acacii, Apollinarii, Origenis, Gregorii Nisses et Nazianzeni, Chrisostomi, Cyrilli, Severiani, Genadii, et aliorum multorum in Pentateuchum et Ruth percurramus. Ex quibus aliqua descripsimus, et plurima tamen describenda reliquimus, ex rapsodiâ in Lucam quam mihi a Theatino, pater Franciscus Georgius [mu]tuatus est quæ utcumque pro nobis facerent jam excersi calamo oi præter ista ethica et aschetica, Basilii ad monachos omnia, [Origenis He]xameron et Chrysostomi bonam partem in Genesim.

Restant legendi Chrisostomus in loca Matthæi, et in Pauli fol. 30. e[pistolas] ad Romanos, Corinthios, Galatas, et Hebræos. Item epistolæ Nazianzeni, et Basilii quæ [extant] ut percurram et describam (quæ pro nobis faciant) loca omnia occupab plus minus mensem. Rogo ergo ut sumptuum nostrorum rationem habeas, temp[ore] nobis succurras, ne, dum nos regi velimus inservire non possim[us] non majore meo incommodo quam tuæ famæ fideique in regem dispen[dio].

Si te offendant quod tot contra de Cassalis negligentiam scripserim, memineris obsecro quantâ cum perfidiâ et meo periculo ista fuissem tacit[urus], et quam modeste faciam, qui ad te unum scribam, et nolim alii cuiquam indicari quod eo majore fide et prudentiâ facio, quo magis timeo, ut vel mihi illi nocerent vel regiis negotiis per invidiam obstacu[lum] ponant. Sed obsecro te, cum ita habeat, annon erit in manu tuâ ut mihi horum oblivionem imperes. Deum testor, nollem ego nocere illi. Sed neque velim ut ipsorum negligentia vel mihi vel principis mei causæ noceat. Sed jam ad patrem Franciscum veniamus, cujus ad me acerbas literas per hunc meum ad te mitto, quas, si bene et attente legeris, non erit quod te apud regem excuses, nisi humanissimas ad ipsum scripseris. Ausu[s]

sum] ego periculo capitis spondere ejus autoritate futurum ut tota acede[mia] ¹⁵ Patavina (quod ad Theologos attinet) pro nobis pronunciet modo tu disce[dente] Cæsare alterum effeceris, scilicet ut vel citra indignationem pontificis the[ologi] hic libere sententias suas dicant, vel Senatus Venetus permittat nostras quæstiones Patavii publice disputandas. Jovis ¹⁶ ejus opera habemus ex bibliothecâ Venetâ, Nazianzeni volumina duo, et Maximum et cui debemus liberum ad Antonii accessum. Cui ad Pauli non accessum mo[do] sed permissos fidei mei, domi legendos libros. Idem nobis rapsodiam in Idem mutuatus est indices et Marci et Antonii fecerat exhiberi.

In summâ quidquid hic boni fecimus, illi debet rex referre acceptum, ut interim a quattuor probatum Theologiæ doctoribus opus per me suum taceam, et ipsorum et multorum aliorum in scripturis eruditorum subscriptis nominibus.

Sed et Petrum de Cremis doctorem jure, legibus et Theologiâ vere doctissimum et maximæ hic autoritatis virum, huic uni debemus. Huic Marcum Hebræum. Hæc omnia nihilne merentur gratiarum? Jamque mihi qui[dem] (tuum me familiarem putaverant) exhibuit humanitatem, puto ego plurim[um], vel privato nomine, a te meritum esse, ergo et nihil ad hunc, nihil ad me scribe. Jubebas, ut (si quem invenerim nostræ causæ faventem) te tantum facerem certiore, et te reliqua transacturum. An credam hoc tibi qui, cum in hoc uno viro jam nobis conciliato et confirmato, solidam posses nobis conciliare Academiam, ne unum quidem grammata dignaris scribere. Sed tu dubitas, ne ille literas prodat tuas, et ille rursum timet, ne tu ipsius scripta, ante impetratam publicam de his rebus disputationem, pon[tifici] velis prodere; et igitur subtrahet illa sua scripta quæ nobis maxime su[nt] profutura, donec tu fidem per literas dederis et regem gratum habiturum quod in ips[us] causâ scribat, et utrumque vestrum sua scripta secreta servaturum donec [res] ad publicam pervenerint disputationem. Certe mihi decem aureorum jac[tu]ram facit et protonotarii garrulitas et tua taciturnitas. Ille enim me regium esse non perdidisset jam omnia citratumultum subscriptis nominibus habuissemus in

¹⁵ This portion of a word is be a mistake of writing for *acade*. plainly written *acede*, but it must ¹⁶ Probably a mistake for *Ivonis*.

manibus nec minus in Academiâ secreto quem modo
 palam sumus facturi. Et s[ublatis] impedimentis tuo per
 literas consilio occurrisses jam non m
 ere tantâ pecuniæ jacturâ ministrum meum. Rogo ergo ut [et] fol. 30 b.
 de pecuniâ prospicias, quâ hinc me Rhomam proripiam post
 mensem [et] quâ interim, dum hic sum, me alam. Simul
 etiam accurate ad patrem Franciscum scribere, et quas debes
 gratias age; postremo noli ad me siccas scribere, sed fecundas
 literas, ut sciam quomodo me posthac in omnibus geram.

Ubi videro Nazianzenum, scribam ad regem. Tu rogo ut
 dispensationum memineris, ut ad Foxum de augendis mihi
 dietis scribas, et si quid ad me literarum venit ex Angliâ ut
 per hunc meum transmittas. Si pecunia tibi in promptu non
 sit, perfice ut dominus Carru ad quendam Herewel mercatorem
 hic Anglicum vel leviter me commendet, et ille literis tuis facile
 mihi, quantum tibi videbitur justum pecuniarum, suppetet.

Vale, hoc Purificationis mane.

Tuus ex animo

Dominationi tuæ addictissimus

R. Cro.

Number XV.

Copy in Croke's hand of a letter written on February 3, with a postscript of February 4 from Croke to Ghinucci detailing his interview with John Cassali.

Vitell.
B. xiii.
fol. 31 b.
lin. 15.

MERCURII, ædes de Cassalis adii, ut scirem an ille aliquid de bibliothecâ Sancti Marci. Qui, ubi horam et dimidiam fecerat expectare, tandem renunciari jubet ut a prandio ad se redeam sedenti. Indicem profert, quem omnium in Sancti Marci sacrorum verissimum elenchum esse sæpe mihi dixit. Rogo concedat describendum, et impetrato ut tu videas quam diligenter et fideliter principi meo isti inserviant, descriptum manu ministri tui, et illum adulterinum et (qui apud me operâ patris Francisci erat) Sancti Marci genuinum mitto. Obsecro te cur omnium eorum quos habet verus index, adulterinus iste tacet. Dixit mihi de Cassalis non tunc solum, immo alias sæpissime, illum verissimum esse indicem, et principem non permissurum ut aliquem librum e bibliothecâ extraherem; effecisse tamen se ut in bibliothecâ unam aut alteram horam legem quandocunque vellem.

Idem significari mihi per secretarium suum fecit, cum ex præscripto ad illum Jovis irem, non iturus modo, sed ut sperabam accepturus e Sancti Antonii, ipsius autoritate et fide, aliquem librum. Sed in itinere occurrit secretarius; dicit mihi eo die dominum suum vacare mihi non posse; esse ergo mane redeundum. Redeo; itur ad Sancti Antonii sed nullâ fruge; ubi rogo ut Basilii opera aliqua mutuo mihi petat, dicit se velle videre indicem; impetrat, acceperat enim eum antea mutuo pro cognato quodam suo pater Franciscus. Itaque illum adit, ne impetret. Nos ante habebamus, et ejusdem ejus patris operâ in bibliothecam liberrimus patebat mihi ingressus. Vides ergo quantum, hujus moris, nobis perit et laboris et temporis. Eodem mane cum ad illum venissem, statim vocat ad se (de quo proxime scripseram) Judæum Jacobum; rogat ut cum eo disputem. Ubi nego, et indignor sic me omnibus

per ipsum prodi ; Hic, inquit, pro nobis scripsit, et apud fratrem meum Bononiæ reliquit. Non esset malum [ut] tu a fratre an hoc verum sit prudenter rogaveris. Nam ubi ego [rogo] ut Judæi scripta videam, et unicum dicit fuisse exemplar dere Judæum profiteri quod pro nobis scripserit. Quod ubi [audivi, Quid,] inquam, nobis cum illo qui cum res in lucem venerit, factum negabit suum. Non triduum est ex quo mihi dixit nullo [modo] posse nos Theatino confidere, et eo tamen mane probum et fide[lem] et interim sæpe alias Theatinum esse adseruit, adeo ut rogaret [utrum] disputaturus ad Theatinum cum eo concederem. Ego id, sine singraphâ e[jus] quod ipse jusserit, et quod Rex ut ipse faceret voluerit, nego me facturum.

At tu, inquit, librum a Theatino habes mutuo, fide fratris Francisci, et cum de eo restituendo dubitaret, ego pro te me vadem obtuli, dixique probum virum esse te et Anglum. Et ego me prius Flandrensem et Johan[nem] vocari me dixi ; nimirum usurus episcopi operâ in illo libro conciliorum e manibus Aleandri extorquendo. In quo desyderatam a nobis epistolam esse, et legisse se jam dicit de Cassalis ; nec esse Nazianzeni sed Basilii, cujus rei ut faceret fidem, ostendit in Bibliis textum illum Levitici 18. *Sororem uxoris tuæ in pellicatum ejus non accipies.* Super hunc, inquit, textum scribit Basilius, et infert rationem de eâ quæ duobus fratribus nupsit ; utque verum se dixisse probaret, ostendit concilium Neocæsariense, omnibus regiis jam olim notum. Hic ego adverto, librum illum Aleandri esse ; suspicatus, curiosius inspecio ; inter nomina quæ concilio præscripta sunt Basilii et Gregorii invenio. Verto folium et in extremâ paginâ illud Ancirani concilii, de eo qui duas sorores duxerit decretum invenio, et rursum inter præscri[pta] nomina Basilium offendo, ut non temere conjiciam inter eas quas illorum conciliorum episcopi mutuo scripsere eam esse quam nos quærimus. Quem librum, inquam, conciliorum et Aleander habet, et ego jam habuissem nisi de Cassalis illi me a rege missum aperuisset. Vide ergo ut nostræ diligentiae obstant isti. Et cum ad te scribimus, nihil consulis, nihil scribis, sed ne pecuniam quidem mittis aut missurum polliceris¹⁷.

¹⁷ The passage ' Et cum——polliceris ' is marked for erasure.

Sed, ut ad Cassalis redeam; ne aliqua non noceat, narrat fratri Francisco me Anglum esse a rege missum. Aperit secreta omnia. Immo addit adversari Regiæ causæ Cæsarem, et de eâ re maximas quoque in Angliâ esse controversias; postremo autem pontificem (licet rei¹⁸ faveat) non audere metu Cæsaris aperte favere nobis. Quibus verbis ita exterruit bonum patrem, ita in me irri[tavit] ut ad me acerbe scriberet, et subtractum longum illud multorum docto[rum] consensu in regis favorem factum opus minaretur. Bone Deus, ut ego hæc dissimulo, ne mihi noceatur, aut regiis negotiis aliquid accedat impedimentum. Debui certe antea multum patri Francisco, non ob labores quos meâ causâ suscepit plurim[os], non ob paratos mihi indices et libros e biliotheis ejus fide mihi desumptos, sed etiam ob prospectum hospitium, ubi cum me spoliari sens[it] inique omnium rerum preciis, impetravit mihi monasterii sui ædes quas [ipse] per amicos omni supellectile instruxit, pro quibus et domo m[eâ] solvo] Marcellos tantum duos. Jam ut videas quantum illi debeat regis [causa, scripta] ipsius, breviora quidem illa, et Judæorum duorum scripta [pro rege etiam] mitto.

Sed et Marci scriptum Hebraicum qui a
 fol. 32 b. re scriptum Hebraicum quod unicum habeam
 apud me servo. Subscripsere operi Francisci quod penes me
 servo doctores tres, lectores Canonum et Theologiæ publici
 quinque. Scripsere etiam in causâ regis Doctor Joannes Maria
 et, rogatu patris Francisci, nobilis ille Venetus, Philippus de
 Cremis, in legibus et Canonibus et sacrâ Theologiâ doctor.

Pollicitus est etiam alter se scripturum, homo ut audio
 Græce et Latine doctissimus. Vale, 24 et 29 Januarii et 3
 Februarii sub vesperam, Venetiis.

Tuus

Heri, operâ patris Francisci, domum nobis permittebantur
 legendi Canones Conciliorum cum commentis in Græco, synodi
 quattuor, et alter etiam consiliorum Græcorum liber, Chrisos-
 tomi Margarita, et Maximi quæstiones super sacram Scriptu-
 ram, postremo Nazianzeni epistolarum volumina. Sed pul-
 chrum illud cum Basilii epistolis de quo ante scripsi heri non

¹⁸ Probably a mistake for *regi*.

erat in capsâ ubi id reliqueram ; polliciti sunt procuratores habiturum me, ubi istos restituerem. Jam audio non a protonotario solo sed a pluribus aliis fide dignissimis, habere Cardinalem Grimanum et epistolas Nazianzeni omnes et Basilii, et concilia omnia Græca, cum epistolis et decretis et Canonibus hic Venetiis ; obsecro ergo sentiat rex industriam et fidem tuam. Utere saltem autoritate tuâ, ut hic mihi tradantur legendi. Omnino oportet ut in eorum aliquo epistola quam quærimus lateat. Jam quod scripsimus libros munera et scriptores nos exhaurire ne nos prodigos putes, scias munera mea esse inter tredecim scuta, quibus plus pro principe meo fecisse me eventus probabit quam alii quidam quinque millibus.

Vale. Februarii 4.

De Cassalis quotidie mecum agit ut pariter ad regem scribamus. Obsecro consulas mihi quid putas faciundum. Nolem enim suspicaretur me sentire ejus fraudes aut ab eo alienatum esse.

Number XVI.

The King's letter to the Pope agreeing that nothing shall be done in the cause till the following September; written April 10, 1530.

Theiner,
p. 591.

SANCTISSIMO Clementissimoque Domino nostro Papæ.

Beatissime Pater,

Post humillimam commendationem et devotissima beatorum pedum oscula.

Accepimus Breve Sanctitatis Vestræ, datum die 26 Marcii, in quo multis gravissimisque sentenciis amoris etiam benevolentiae et gratitudinis significationem præ se ferentibus, Sanctitas vestra vehementer nos hortatur ne in hâc nostrâ causâ, quam judiciorum examinatio jamdiu suspensam tenuit, præter solitum morem quicquam innovare velimus; quâ in re, ut quæ nostra sententia fuerit intelligere posset eadem vestra Sanctitas causæ nostræ processum, quem adversarii multum urgebant ad quadraginta dies, differendum duxit in Septembrem etiam et eo amplius, ut nostri quidem oratores nobis significârunt, dilatura modo nos nihil interea facturos promittere velimus, quod a communi justiciæ ordine videri possit alienum.

Ad quas Sanctitatis Vestræ litteras ut ingenue atque ex animo responderemus, tametsi verbis, vultu, litteris, nihil unquam prætermiserit Sanctitas Vestra quod paternus amor in filium vel amicitiae vices in amicum præstare potuerint, quo nomine ingentes gratias habemus; tamen quum ad facta ventum est, nonnihil est semper quod desideramus, et quod conceptam opinionem ita dejiciat ut in certâ aliquâ spe et firmâ animi tranquillitate non liceat acquiescere. Quod cum antehac sæ-

pius experti sumus, tum vero nuperrime quum ad Sanctitatem Vestram Dominum Stokesleium Electum Londoniensem mitteremus, causæ nostræ justiciam eidem expositurum. Neque enim hunc misissemus, nisi id Sanctitas Vestra nostris Oratoribus significasset multum se animo cupere ea intelligere quæ Stokesleius ad causæ nostræ justificationem reperisset. Et tamen magno suo labore nec minori nostrâ impensâ præsentem noluit audire, videlicet de causæ meritis disceptantem, quo consilio, certe nescimus, nisi forte ut ignorantia ad dilationem temporis liceat abuti, et semper de causâ secure dubitare; quod dum fit, nostri certe respectum non eum haberi quem multis nominibus sperare debuissimus magis in aperto est quam ut pectoris nostri candor queat dissimulare. Amicitia sincera a fucis abhorret, et quanto magis Sanctitatis Vestræ personam diligimus, tanto liberius cum eadem quasi nobiscum loquimur, et animi dolores communicamus, factum si quod doleat non tacemus, culpam certe ipsam ita cupimus purgari ut ex futuro in præteritum edita præsumptio eam in quidvis quam in Sanctitatem Vestram, quam ex corde semper amavimus, rejiciat. Nos quidem interim sperabimus meliora. Quod si Sanctitas vestra judicalem causæ processum, quemadmodum nostris Oratoribus jam significavit, in mensem Septembrem sistere decrevit, et ne quid istic attemptetur procurare, a nobis interim nihil agetur quod causæ statum videatur innovare. Quamobrem quamcunque securitatem de eâ re faciet Sanctitas vestra, parem etiam de nobis sibi posset polliceri, ac nostræ in hiis literis promissioni credere, quod, curante Sanctitate Vestrâ in mensem Septembris processum istic differri, atque illud nobis per Breve pollicente, ut hactenus fecimus, conquiescimus etiam nos interea temporis, et ad molestiarum cumulum adjicere non gravabimur, ut frustra tamdiu remedia expectantes aliquorum mensium intervallum assueto dolore transigamus.

Cujus rationem aliquam habituram Sanctitatem Vestram non prius diffidere volumus quam extrema tentaverimus, et dum respirandi spatium Vestræ Sanctitati manet, semper ab amico æque et justa sperare, quemadmodum Sanctitati Vestræ Dominus Electus Londoniensis, Dominus Wigorniensis, Dominus Benet, et Dominus Gregorius, Oratores nostri quamplurimum

dilecti, latius exponent; quam ut in omnibus certissimam illis
fidem habere velit, impense rogamus.

Et felicissime ac diutissime valeat.

Ex Regiâ nostrâ Wyndsore die 10 Aprilis M.D.XXX.

Ejusdem Vestræ Sanctitatis

Devotissimus atque obsequentissimus filius,
Dei gratiâ Rex Angliæ et Franciæ, fidei
defensor ac Dominus Hiberniæ,

HENRICUS.

Number XVII.

Clement's Breve of Excommunication against those who shall be induced by bribes to judge, advise, or write anything in the King's cause contrary to their conscience; issued May 21, 1530.

CLEMENS P.P. VII.

Theiner,
p. 592.

Universis et singulis præsentis litteras inspecturis, salutem etc.

Cum omnes iudices ecclesiastici qui causas eorum sententiis habent terminare, ac juris periti quibus interpretandi consulendique est tributa facultas, responsa sua, præsertim in causis matrimonialibus, juxta Canones Romanorum Pontificum et juris dispositionem proferre et terminare debeant; eapropter omnium Christi fidelium animarum saluti consulere cupientes,

Omnibus et singulis iudicibus ecclesiasticis, coram quibus causam validitatis vel invaliditatis matrimonii alias inter charissimum nostrum Henricum VIII Angliæ Regem, et fidei defensorem ac dominum Hiberniæ, et charissimam in Christo filiam nostram Catherinam Angliæ Reginam illustrem, ac claræ memoriæ Ferdinandi Hispaniarum Regis Catholici natam, ex dispensatione apostolicâ contracti et carnali copulâ consummati pro tempore pendere contigerit; necnon advocatis, procuratoribus, notariis publicis ac testibus, et quibusvis aliis personis quæ in hujusmodi causâ pro aliquâ dictarum partium tam in iudicio quam extra illud intervenire, aut pro partibus ipsis verbo vel scriptis allegare, consulere vel in causa ipsâ deponere, aut alias publice vel occulte aut secrete vel quomodolibet de ipsâ causâ per se vel alium intromittere habuerint, sub excommunicationis latæ sententiæ pœnâ, a quâ ab alio quam ab Romano Pontifice nisi in mortis articulo nequeant absolutionis beneficium obtinere, mandamus ne, in dictâ matrimoniali causâ contra conscientiam, spe præmii aut prece, odio vel timore aut gratiâ ducti, verbo aut scriptis aliquid allegare, scribere aut

consulere, aut aliquid aliud dicto vel facto attemptare præsument, sed solum Deum præ oculis habentes juxta Canonum et Juris dispositionem et quod eorum dictaverit Conscientia, faciant et dicant. Volumus autem ad hoc, ut præsentis litteræ omnibus innotescant, quod in quibusvis Cathedralibus Ecclesiis publicari possint, et illarum transumptis manu publici notarii subscriptis et alicujus prælati seu Ecclesiasticæ Curiae sigillo munitis eadem fides tam in judicio quam extra illud habeatur quam præsentibus adhiberetur si illi essent exhibitæ vel ostensæ.

Datum Romæ etc. die 21 Maii M.D.XXX. Pontificatûs nostri anno septimo.

Number XVIII.

Copy in Croke's hand of a letter from Croke to Ghinucci complaining of John Cassali; written from Venice at the end of May, 1530.

PLEASE it your lordship to be advertised that I this Vitell.
night have received from the same two letters, the one dated B. xiii.
the 28, the other dated the 29. And to answer to the last fol. 87.
first, I trow it will be hard to have and find any more in Venice
to subscribe and favor our cause than we have found already.
Albeit I do not nor have not, as mine acts shall prove at your
coming, slept nor been slothful in this matter. And as touch-
ing your advice, to cause them that as yet dare not for the
Pope openly say their minds, to get their subscriptions to be
delivered to the hands of their friends, after my poor judg-
ment, this is a way to beguile ourselves; for it is not to be
thought that their friends which shall collude us peradventure
with them, shall at our request other do or say anything with
us against their friends. And I have had the experience, and
also so hath other men, that men hath pretended earnestly to
favor our cause, the which hath been our adversaries, to know
our reason and arguments.

So that the hope that your lordship hath to force them by
shame, at the least, not to be against us, because the other
peradventure lack shame, or are sure that their friends will do
nothing to their hurt and shame, shall be utterly frustrate.
And, God be thanked, as yet we need no such slack dealing
with them, and in other places, where our ambassadors hath
not encomberyd us, we find in a manner no earthly stop as
shall appear at your coming.

And where your lordship assureth me of your old favor, I
thank your lordship; and doubt not but I have largely de-
served the same, and if there were nothing else but my good
heart and true diligence to serve the king upon the only affi-
ance of your conscience and learning in this cause, whereunto

I came and was forced to come as nakedly as any man might come, without any instructions of words or writings. As touching the leaving of good Mr. Cranmer behind, to solicit you to be good lord to me; it seemed me then greatly to need of the same; for I perceived well, that by Doctor Benett's and other men's procuration ye seemed to be displeased with me for opening unto you the untrue dealings and crafty letts that I found Cassalis to work in the king's matters; which, what he hath done at Verone, what at Vincence, more than your lordship as yet knoweth, what in the senate, I had lever ye know at your coming by other men than by me. And the slanderous reports made of the king's cause to Crucinus was the [ca]use, as your lordship shall see at your coming, by Crucinus' own letters, that [father Fraunces] surceased of his good mind that he bare to the king. The which father Fraunceys is won again, as by the copy of his letter [written unto me shall ap]pere. As concerning all your exhortations in your your lordship's hands, will shew that letter ¹⁹.

¹⁹ There does not appear to have been any other line after this, which ends the first page of leaf 87, the back of the leaf being vacant.

Number XIX.

Copy of Croke's letter to Ghinucci complaining of the misrepresentations of his labours and diligence in the king's cause; written from Venice, June 9, 1530.

I ASSURE you they were and ever shall be unto me a great [encombrance] considering my pains and diligence; taken with such effect as four [out of the] six afore me brought to no like compass. And where your lordship [now] writeth that ye reckon that I left the letter to Peruse with you, mynd[ing] more such brabelling as I encumbered you with at my being there than othe[r]. First, ye shall understand that the cause why I sent not that letter at the first was lack of money and of a trusty messenger, and I l[eft] it you, because I was informed that Peruse was in the way to Rome, thinking that no man might more effectually deliver it than one of them which was especially sent for that cause. That if your lordship be not contented to be encumbered with the advertisements of mine encombrance in the king's causes, but will at other men's pleasures wink at them, the which fearing that by your lordship's fidelity and my poor diligence in the king's causes, their long infidelity and negligence should be espyed, I pray God your lordship may return without displeasure; for I am sure ye shall lose some honor, the which else ye might have. That if I wist that all the bills and writings that I have procured the king should be no more available to his grace than this letter, for very shame and sorrow I would burn them all. Albeit, if all my writings and papers were nought, yet were I worthy excuse, following in procuring of the same, partly your lordship's instructions, partly other men's. And other things had I now to order myself by, that if I had not done well, yet have I done better and more than any other that hath had the handling of this matter afore me. But I may be glad to labour and travail and jeopard my life to serve my prince truly, and for the same

Vitell.
B. xiii.
fol. 88.

and for opening the tratorously dealing of his familiar adversaries to be called a brabeller.

God knoweth it was full sore against my will to intermeddle with this matter, the which I never before had studied nor would not have meddled therein, for nothing, had not the love and affiance that I had in your lordship's learning and goodness have been. Nor now can be content to meddle any more, but will make all the suit I can to the king to repair home, and to send some other that can better skill of such matters than I; for I wol be loth to come in displeasure of your lordship or any other the king's ambassadors for shewing of such things, the which, if I shewed not, I should nother be true to my prince, but yet highly see all his matters committed to my charge hinde[red]. And I dare be bold to say to your lordship, if any of the Cassalys do ever the king any good, or in all things that they may know do not utterly hurt the king and his causes, and beguile you and all his ambassadors, that they can hang me, draw me, and quart[er me].

Jacobus and other Jews, coming of late from Bononye, hath made [here] a rumor of the Pope's displeasure in this cause, that Helias to m opinion, and so many subscribed afore tymes gladly and without cannot now have one to subscribe to him, that if ye come not hither betimes by his good happen lose both father Fraunceys byl hereyn enclosed ²⁰

fol. 88 b. and fellowship than the king's profit and pleasure in this high and good cause set light of my information, nor of such handling and dealing of them that are bound to farther his causes, nor by no means trust them whom ye see thus deal. And as for me, nother for your lordship's commandment, nor no man's alive, I wol never make them privy, nor trust them more than I nede. When ye come, ye shall hear and know that ye wol never else believe, and be full sorry to know. There was never noble prince so disappointed of his purpose, and delayed by traitors as he is. The which, because I see the king's ambassador partly to wink at, partly to cloke, I see well that the king's matters, the which else should no doubt do marvellously

²⁰ Here there is at least one whole line lost.

well, is like to miscarry. And then every man wol be glad to lay the fault from himself. And then considering that men be so ready now to misreport my labors and pains, working so directly to the king's purpose, and that the same now nothing contenteth your lordship, at length I must, if chance of displeasure happen, needs look to abide the burden by the misreport as well of your lordship as of other. Wherefore I think best to depart betimes, with little displeasure, than to tarry for more; for more must I be assured of, if I will, like a true man to God and my prince, plainly always utter the untruth of these Italians toward the king, and ye take displeasure with me for the same, by the provocation of them that care not what they spend the king and do him good²¹. Paduanus, of whom the protonotary writeth, hath subscribed his own hand to father Fraunceys' work, the which the king hath in his hands.

And as for all them that ye have spoken with at Bononye, ye be as sure of them as of a flea in your purse; and I pray God that all their reasoning with you be not to espy your reasons and to shew them unto the Pope.

Here is an Augustine friar called Felix, which was sometime a Jew, which hath written against us, and I do all that I can to get a sight of his work, to know what favourers the emperor hath in Padua and Venice. First, Aleander, the Bishop Theatinus, and as many in Padua and Venice as our ambassador can make him. As for being were, I am so were²² that some men call me suspicious. All other things I have answered unto in my last letters. My lord, if ye resort to Cassalys ye shall have none of the king's friends to resort to you, nor ye cannot be there privily. My poor house will not displease [your lordship], and albeit it be not so big as the ambassador's, yet is [it both] pleasant and commodious for your purpose. And thus fare [ye well] [my] good lord.

At Venice the 9 of June, with [the rude hand of your humble bedeman] and servant,

[RICHARD CROKE].

²¹ Probably intended for '*spend for the king and do him no good.*'

²² i. e. wary.

Number XX.

*Imperfect copy of a letter from Croke to Stokesley, Bishop
Elect of London, again complaining of misrepresentations ;
written June 19, 1530.*

Imperfect at the commencement.

Vitell.
B. xiii.
fol. 89.

as I am informed by great learned men, in Greek, Lat[in] and all other things, passeth all the friars in Italy ; and I [also] have sundry letters to get him to the king's part. Howbeit Paulus de Cassalis hath been all these parts over, and has spoken with them that were afore retained by me. And thus he and his brother hath gotten into their hands Petrus Zamniboni de Verona, prior of Servites' counsel, written at my instance ; the which I have seen, and given him many more and better instructions, and he hath promised me to write again, and to get as many subscriptions as he can. And he shewed me there a friar Angelus de Bononia, and told me of another called Dionysius, being procurator of their order, the which pretendeth to have written for us, and hath written against us, and that this Dionysius is, with his writings and Angelus', gone to Rome. Also he hath attempted Jews here, and I also, and they say they have such advice from Venice that they dare not write.

Now, to come to Vincentia, I have spoken with Anshelmus, and shewed him a copy without names of the ambassador's letters to friar Fraunceys, the which, as soon as he had read, he in a fume ran to an altar, and took out the super altare and kissed the m and sware *per altare summi Dei* and *sancta Dei evangelia*, he never told Vasonus, nor wrote to him of the subscriptions, or friar Fraunceys, or any man that should move him in the king's cause at Vincence ; and further desired me to tell friar Fraunceys that in this great heat he would go to Rome to defend his honor in this behalf ;

farther he said there was never man moved him of any matter in the king's cause. And as touching Silvester, he said he never saw his name subscribed, and therefore that that suggestion could not be true. He added to this that ambassadors lay in the country with the Bishop Vasonus, and in Vincence at Marcus Antonius de Godis' house. And that Vasonus came unto Vincence to hear friar Fraunceys preach, and after had this matter disputed in his house. At the which disputation he being, said that at the propounding of the question he said these words, *Olim hanc quæstionem novi tractari Bononiæ et nunc Veneciæ*. And this he sware was all that he spake afore or after. As touching the surmise to win favor of Vasonus, he said that Vasonus and he were of older and greater familiarity than that it needed by such ways to go about to win favor; for he said that they were brought up of children *a decennio* together. And that Rome were the place and not Vincence to make suit for the Pope's favor. And thus your lordship may see the good endeavour of our ambassadors. I have things to shew you of friar Fraunceys which I will not commit to writing, but I pr[ay] you as you love the advancement of the king's matters not to delay any longer your coming hither. And a[s] far as I can perceive I shall not much more prevail t[here in the] king's causes than I have, nor then nother. They so encombered the king's causes themselves for e Paulus de Cassalis hath been renude and therefore I despair to ²³

[at] this time at Padua more than had subscribed afore I fol. 89 b. remember [t]hat in time past the ambassador told me that the Bishop of Verona would not intermeddle in this case. I now have shewed your lordship all men's words and sayings, without color or adding or minishing; every man's words, doings, and sayings, I say, because I wol your lordship should ponder them and upon your judgment advertise me how I shall use me in all things, and what remedy is best for me to use against all mischiefs. I am sick, and this is not the first time that I have put my life in jeopardy to serve the king. And

²³ Here there is perhaps a whole line destroyed.

yet I fear that of my fidelity, by misreport, I shall have no thank, but blame, both of the king and of them the which most ought to thank me and love me for the same.

And thus I commit your lordship to God this present Sunday in the [b]erge toward Venice from Padua the 19 of June.

Number XXI.

Draft of a letter written from England to Reginald Pole at Paris, thanking him for his great services in the King's cause; perhaps written in April, 1530.

CLARISSIME Domine Pole, Salutem plurimam.

Vitell.
B. xiv.
fol. 298.

Versan[ti] in aulâ principis nostri mandavit m[ihi] Dux Norfolciæ ut tibi per litteras sig[nificarem se] tum sibi, tum tibi vehementer gratula[ri quod tu]te tam strenue ibidem gesseris pro causâ regiâ; fuisse vero illud officium tuum multo gra[tius, eo quod] non rogatus, regio jussu aut

Cujus rei et ego testis esse possum Lo qui sæpiissime Regiam Majestatem de t[e tuisque] locutam audivi, et hinc nonnihil gl[oriatur] quod te tandem habeat caussæ suæ quasi p[atronum]; cujus sane eruditioni et gravita[ti tantum] videtur tribuere illius Majestas quantum profecto e[go] consequi non possum. Porro fuit [hæc mihi] ad te scribendi injuncta provincia [gra]tissima, vel meo ipsius nomine ar tuam amicitiam me quâcumque ratione insinuare magnop[ere] vel tuo ut jam me te ut quum hiis pulcherrimis tuis regiam erga te benevolentiam, [paratus] eris majori cum alacritate perg[ratum operi] colophonem imponere. Quod [si feceris], et generis et litterarum tuarum [facinus] dignum feceris pariter et tuis²⁴

²⁴ This draft is exceedingly mutilated and has a good many interlineations and erasures. The words that seemed intended to stand are

exhibited in the document, the interlineations being inserted in their proper places and the erasures having been omitted.

Number XXII.

Draft of a letter from the King to Reginald Pole, accompanying the letters which at his request the King had written to the doctors of Theology of the University of Paris; probably written in June, 1530.

Vitell.
B. xiv.
fol. 297.

EXHIBUIT nobis non ita pridem Mag
ad se tuas; quibus præter cætera visus e[s] cupere ut nos
litteras ad Decanum ac regentes facultatis Theologiæ Parisi-
[ensis] scriber[emus].

Quod consilium tuum, ut ab amico erga nos pecto[re pro-
fectum,] ita et libenter admodum secuti, mittimus hic eas ad te
litteras ad illos nostras una cum [earundem] minutâ. Quæ si
tuo pariter et D. [consan]guinei nostri iudicio ejusmodi vide-
buntur q[uæ caussam] nostram apud illos promovere poter-
[int, rogo] ut eisdem quam officiosissime caussam nostram
commendetis,

Quâ in re tamen summam cautionem vobi[s adhibendam]
censemus, ut certi videlicet prius sitis de [propensâ] majoris
partis illorum erga nos bene[volentiâ,] ne hinc fortasse, si
adversarii su[periores] evaserint, arripiant aliquam ansam ca-
lum[niari] nos, quemadmodum in litteris nostris ad F[ranciscum
Bryan] aliquanto copiosius descripsimus.

Credentias autem ceteras nostro nomine i[tem per] vos
communicandas, partim in superioribus l[itte]ris nostris expli-
cavimus, partim vero [vobis] permittimus ut pro personarum
conditione eas tem totam hanc caussam in
vestrâ ponimus [potestate] ²⁵.

²⁵ Neither of these documents words 'To induce Cardinall Pool
has anything written on the back. to aff[ord] help in the King's] great
At the head of the letter occur the cause.'

Number XXIII.

Clement's Breve in explanation of the meaning of the Breve of May 21, 1530, permitting Canonists and Theologians to express their judgments freely according to their consciences; issued August 4, 1530.

CLEMENS P.P. VII.

Theiner,
p. 592.

Universis et singulis præsentis litteras inspecturis salutem etc.

Nuper omnium Christi fidelium animarum saluti consulere cupientes, per alias nostras in formâ Brevis litteras, omnibus et singulis iudicibus, coram quibus causam validitatis et invaliditatis matrimonii alias inter charissimum in Christo filium nostrum Henricum Angliæ Regem Illustrem fidei defensorem et Dominum Hiberniæ, ac charissimam in Christo filiam nostram Catherinam Angliæ Reginam ac claræ memoriæ Ferdinandi Hispaniarum Regis Catholici natam, vigore dispensationis apostolicæ contracti et carnali copulâ consummati pro tempore pendere contigerit; necnon advocatis, procuratoribus, notariis publicis ac testibus, et quibusvis aliis personis quæ in hujusmodi causâ pro aliquâ dictarum partium tam in iudicio quam extra illud intervenire aut pro partibus ipsis verbo vel scriptis allegare, consulere, vel in causâ ipsâ deponere aut alias publice vel occulte seu secrete vel alias quomodolibet de causâ ipsâ per se vel alium intrmittere haberent, sub excommunicationis latæ sententiæ poenâ, a quâ ab alio quam a Romano Pontifice nisi in mortis articulo nequirent absolutionis remedium obtinere, mandavimus ne contra conscientiam, spe præmii aut prece, odio vel timore aut gratiâ ducti, verbo aut scriptis aliquid allegare, scribere, vel consulere, seu aliquid aliud dicto factove attentare præsumerent, sed solum Deum præ oculis habentes juxta Canonum et Juris dispositionem, et prout eorum dictaret conscientia, facerent et dicerent, prout in illis plenius continetur.

Et quia, sicut accepimus, a nonnullis nimium curiosis revo-

catur in dubium an nostræ mentis et intentionis fuerit per ipsas litteras excommunicationis sententiæ omnes et singulos in hujusmodi causâ se quomodolibet intromittentes ligari, necnon in causâ ipsâ jus canonum duntaxat attendi debere voluisse;

Nos igitur ad quos spectat hujusmodi ambiguitates, cum de mente nostrâ et resultantibus ex litteris nostris dubitationibus quæeratur, declarare, motu proprio et ex nostrâ merâ deliberatione, auctoritate apostolicâ tenore præsentium declaramus, illos dictâ excommunicationis sententiâ duntaxat ligari voluisse qui prece, aut precio, seu spe præmii, contra conscientiam ac Canonum Sacræque Scripturæ dispositionem, Sacram Scripturam perperam et male interpretando, in favorem aliquarum dictarum partium aliquid scribere, aut in scriptis redigi facerent.

Et propterea omnes et singulos Theologos aut in sacrâ Theologiâ eruditos aut Canonistas, aliosve Juris divini et sacrorum Canonum peritos quoscumque, id quod in dictâ causâ ex conscientia suâ divinæ legi et canonibus consonum et congruum esse putaverint libere proferro et pronunciare posse æquum esse censemus.

Datum Romæ apud Sanctum Petrum sub annulo Piscatoris die 4to Augusti M.D.XXX. Pontificatûs nostri anno septimo.

Sumptum a minutâ Brevium

Apostolicorum per me Evangelistam

Tarasconum Sanctissimi Domini

Nostræ, Papæ, Secretarium dom-

esticum; et collatione factâ concordat.

Number XXIV.

Copy of a letter from Croke advising his correspondent how to act; written October 1, 1530.

QUONIAM bellua quam nosti nullam vel officii aliorum in se, Vitell.
vel honoris aut sui aut regii rationem habet, ut nomine nostro B. xiii.
se vereatur illudere, nomine nostro imponere, modo quadrantis fol. 88 b.
compendium faciat, si tu velis, probe ulciscemur impudentissimam istam perfidiam, neque sine tui in se favoris maximo apud regem compendio. lin. 17.

Modus quo id fieri queat hic nobis excogitatus est, ut a me reliquum pecuniæ per literas petas, urgens quod promiseram et quid dederam narrans, contendasque non equum modo sed longe majora meritum te. Quippe qui præcipuus fueris author omnium amicorum regi Patavii comparatorum, sed et ipsius instrumenti Patavini quod plurimi facit rex. In quâ parte Simonetum velim celebres, doceasque sine ipso nihil voluisse facere Ambrosium. Sed hæc in formâ quam tibi scribimus aptius; omnino temperes a maledicentiâ in episcopum, et ita sordes ipsius mihi narra, ut lamentari videaris amore regis, his moribus ipsius causam perditam. Quæ scribere nolumus ex aliorum relatione ipsi testabimur apud regem esse verissima; litteras binas velim scribe, in quibus conqueraris quod gratiam tuam etiam in alios audias illum velle transferre, alterum exemplar, si tibi videatur, ad ipsum; primas mittam, hoc agens ut pudore metuque impellamus hominem ut non sine fœnore pollicita præstet. Quod si mox non faciat, curabo ut alterum exemplar rex legat, et ab eo assequaris quod ipse fortasse non speraveris omnino. De Croco tibi persuadeas quidquid vel per se vel per amicos posset.

Bene vale. Venetiis, primo Octobris.

Number XXV.

*Continuation of the account of Croke's expenses during the
year 1530.*

Vitell.
B. xiv.
fol. 283,
al. 302.

Roma 1530.

Bononia	
Curticella usque Turra de la Fossa	tria [scuta].
Bentivolium	
Malehelberga	
Godefred	
Turre de la Fossa usque Ferrariam	unum s[cutum].
Ferraria pro curru usque Francolin	unum sc[utum].
Francolin pro nave usque ad Chiodi	quattuor [scuta].
Camnova	
Capos	
Corbula	
Loredi	
Turre nove	
Chiodi pro nave usque Venecias	unum sc[utum].
Malemogcha	
Venetia pro nave ad Paduam	unum scu[tum].
Padua usque Venetias	unum scu[tum].
Venetia usque Paduam	unum scu[tum].
Padua usque Venecias	unum [scutum].

Eundo ad Episcopum Veronensem.

Venecia usque Paduam pro nave	unum s[cutum].
Padua usque Vincentiam pro 3 equis	unum sc[utum].
Vincentia usque Veronam pro 3 equis	unum scu[tum].
Verona usque Vicentiam pro 3 equis	unum sc[utum].
Vincentia usque Paduam pro 3 equis	unum sc[utum].
Padua usque Venetias pro nave	unum sc[utum].

Eundo ad patrem Franciscum ad Asola.

A Venecia usque Mergera pro nave	duos [marcellos].
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Mergera usque Trevisum pro curru	unum [scutum].
Treviso usque Asola pro tribus equis	unum [scutum].
Asola usque Citadella 3 equi	unum [scutum].
Citadella usque Vicentiam 3 equi	unum [scutum].
Vicentia usque Paduam 3 equi	unum [scutum].
Padua usque Venecias pro nave	[unum scutum].

Eundo ad patrem Franciscum quando episcopus Londoniensis fol. 283 b.
misit pro eo.

Venecia usque ad Paduam pro nave	unum scutum.
Padua usque Vincentiam 3 equi	unum scutum.
Vicentia usque Citadella 3 equi	unum scutum.
Citadella usque Asola 3 equi	unum scutum.
Asola usque Camp. S. Petro 3 equi	unum scutum.
Campe S. Petro usque Paduam 3 equi	unum scutum.
Padua usque Venecias pro nave	unum scutum.

Eundo a Veneciis versus Bononiam ad episcopum Londoniensem cum quatuor equis.

Venecia usque Paduam pro nave	unum scutum.
Padua usque Rodigo quatuor equis	duo scuta.
Rodigo usque Ferrariam quatuor equis	duo scuta.
Ferraria usque Turre de la Fossa pro nave	unum scutum.
Turra de la Fossa usque Curticella pro nave	quattuor scuta.
Godfrede	
Malelberga	
Bentivolio	
Curticella usque Bononiam pro equis	medium scutum.

Redeundo versus Venecias.

A Bononia usque Ferrariam pro quattuor equis	quattuor scuta.
Ferraria usque Rovigo quattuor equis	duo scuta.
Rovigo usque Paduam quattuor equis	duo scuta.
Padua usque Venecias pro nave	unum scutum 4 marcellos.

Eundo ad episcopum Veronensem.

A Venecia usque Paduam pro nave	unum scutum et 8 marcellos.
Padua usque Vincentiam pro 3 equis	unum scutum.
Vicentia usque Veronam 3 equi	unum scutum.

Verona usque Vincentiam 3 equi	unum scutum.
Vincentia usque Paduam 3 equi	unum scutum.
Padua usque Venecias pro nave	unum scutum 4 marcellos.
A Venecia usque Paduam pro nave	unum scutum 4 marcellos.
Padua usque Venecias	unum scutum 4 marcellos.
Venecia usque Paduam pro nave	unum scutum 4 marcellos.
[Pa]dua usque Venecias pro nave	unum scutum 4 marcellos.
[A Venec]ia usque Paduam pro nave	unum scutum et 4 marcellos.
[Padua usque] Venecias	unum scutum 4 marcellos.

fol. 284,
al. 303.

Eundo ad episcopum Veronensem die

Venetia usque Paduam pro nave	unum [scutum et 4 marcellos].
Padua usque Vincentiam	unum [scutum].
Vincentia usque Veronam	unum [scutum].
A Verona usque Vincentiam	unum [scutum].
Vincentia usque Paduam	unum [scutum].
Padua usque Venetias pro nave	unum [scutum et 4 marcellos].

Eundo ad Paduam ex mandato episcopi Londoni[ensis], eundo
et redeundo in postâ xxx die A[ugusti].

A Venetia usque Paduam	unum [scutum].
A Padua usque Venecias	duo [scuta].

Eundo cum episcopo Bononiam versus j [die] Septembris.

Item pro curru a Francolin usque Ferrariam	me[dium scutum].
Item pro curru a Ferraria usque Bononiam	unum et medi- [um scutum].
Item pro equo eundo post episcopum ad Rhegium cum instrumentis et tran- sumptis die 8 Septembris	unum [scutum].

Eundo in postâ a Bononia usque Rhegium ad episcopum
Londoniensem die 8 Septembris.

Bononia	unum et medium.
Ansola	unum et medium.
Castel Franco	unum et medium.
Modena	unum et medium.
Ruberium	unum et medium.
Rhegium redeundo Bononiam	unum et medium.
Ruberium	unum et medium.
Modena	unum et medium.
Castel Franco	unum et medium.
Ansola	unum et medium.

Redeundo a Bononia die 18 Septembris.

A Bononia usque Ferrariam	Tr[ia scuta].
A Ferraria usque Francolin pro curru	med[ium scutum].
A Francolin usque Chiodum pro nave	[medium scutum].
A Chosa usque Venecias pro nave	[medium scutum].

18 die Octobris.

[A Venec]ia usque Paduam	1 scutum. fol. 284 b.
[A Padu]a usque Venecias	1 scutum.

Eundo ad Utinum 10 Decembris.

A Venetia usque portum	2 scuta.
A portu usque Utinum	1 scutum.

Redeundo ab Utino Venetias in postâ, 24 Decembris.

A Utino usque ad portum	2 scuta.
A portu usque Venecias	2 scuta.
²⁶ Item pro nave in Angliam	scuta iii. grossi iii.
Item pro equis	x ^s ij scuta viii ^d .
Item scuta cix	xxix ^{li} xvj ^d .
Solidi st. xi ^s	

fac. singul. decem iiij^s sterling.

Marcelli	xvi ^s x ^d .
	119 scuta grossi vj.
254 scuta xx ^d .	254 scuta et 7 ^d .
Scutorum	117 et iii ^s vj ^d ultra = xxvij ^{li} x ^s vi ^d .

²⁶ Here the handwriting is different, and the ink darker.

fol. 285,
al. 304.

Hic inferius scribam.

Ego Antonius de Monte sancti Sa et solutam a me
pro equis et navibus et curribus. C. li.

Ad portum Gruarium primo
Pro nave ad portum
Pro curru ad Udinum
Pro equis ad Sanctum Vidum
Pro equis ad Aquileiam

Redeundo.

Pro curru ad portum
Pro nave ad Venetias

Ad Patavium.

Pro equis a Leccefucina
Pro nave redeundo

Ad portum iterum.

Pro nave ad portum
Pro equis trahentibus navem
Pro curru ad Udinum

Redeundo.

Pro curru ad portum
Pro nave nuntii a portu ad Patavium
Pro nave ad Mestre et redeundo
Pro nave ad Patavium nuntii
Pro nave ad Venetias nuntii

Ad Ferrariam.

Pro nave ad Chioggia
Pro equis usque Ferrariam
Pro navibus fluminum

Redeundo.

Pro curru ad Francolinam
Pro nave ad Chioggia

Pro nave ad Venetias
 Pro nave ad Mestre et in reditu
 Pro nave nuntii ad Patavium ²⁷

Summa totalis libræ sterling
 Marcelli ij^o iiij^{xx} ²⁸ fac. scuta xxiiij = v^{li} xij^s.
 [Sum]ma { Sterling

[Ite]m for guides maronys over Monte Synay
 for to lede my horse and myself ij crouyn.
 Item from Laneburg to Termino 5 marcellos.
 Item from Termino to Burght 1 crouyn.
 [It]em from Termino to Anzeze 1 crouyn.
 [Ite]m from Anzeze unto Saint Michaelles 1 crouyn.

286 b. ²⁹

To Novalesia over Monte Synay for maronys to
 lede my [h]orse and make the ways for
 depeness of the snowys 2 crouy[n].
 [Item] From Laneburge to Termino di. scuto.
 [Item] From Termino to Anzese scuto.
 [Item] From Anzese to Saint Michael di. scuto.
 [Item] From Saint Michael to Saynt Jhon Maur-
 inians di. scuto.
 [Item] Over Gabella 1 scuto.
 scuta V di. = xxv^s viii^d. ³⁰

²⁷ A whole line has been lost here. 24 crowns, which is equal to 5*l.* 12*s.*

²⁹ fol. 286 a is altogether vacant.

²⁸ There is perhaps an omission of viii here, that being the number necessary to make up the sum of

³⁰ This means 5½ scuta, which is equivalent to 25 shillings and eightpence, at 4*s.* 8*d.* to the scutum.

Vitell.
B. xiv.
fol. 281,
al 300.

Roma 1530.

Hebræis.

Item Marco Raphaelo Christiano	sex [scuta].
Item Heliae Judæo et sociis suis	octo [scuta].

18 octo.

Summa ;—scuta xiiij = lxxv[^s. 4^d].

fol. 281 b.

Nunciis.

[Item] pro nuncio qui ivit ad Episcopum Wigorniensem ad Bononiam	} sex scuta.
Item, pro portiturâ literarum a Mediolano	} quinque marcel- los.
Item, præfecto postarum pro expectatione postæ	} quattuor scuta.
Item, nuncio qui ivit Paduam	unum scutum.
Item, Bartholomæo pro eundo ad patrem Franciscum Georgium	} tria scuta.
Item Antonio eundo ad Paduam ad Leo- nicum	} unum et medium scutum.
Item Philippo pro expensis eundo ad Ro- vigo ad patrem Franciscum Marinum	} unum et medium scutum.
Item Philippo eundo ad Oratorem ad Vin- centiam pro literis Domini Stoxleii	} duo scuta.
Item, Philippo eundo a Veneciis usque Bononiam ad Dominum Londonien- sem	} sex scuta.
Item pro postâ qui ivit in Angliam	quattuor scuta.
Item, magistro postarum	unum scutum.
Item, Joanni Mariæ eundo ad episcopum Londoniensem, Bononiam	tria scuta.
Item, nuncio qui ivit Udine	tria scuta.
Item Antonio qui ivit Bononiam ad Epis- copum	quinque scuta.
* * * *	
Item illo qui portavit literas in Angliam	unum scutum.
Item pro portiturâ literarum episcopi Lon- doniensis per Lugdunum v Augusti per manus Alexandri de Horatio	} unum scutum.

Item Antonio eundo a Veronâ usque Venecias ad episcopum Londoniensem	duo scuta.
Item pro portiturâ literarum per Antonium die 3 Octobris	medium scutum.
Item postæ pro portiturâ literarum ab Antwerpiâ in Angliam die 18 Octobris	7 scuta.

18 Octobris.

Item, Philippo eundo Ferrariam	2 scuta.
Item, alio nuncio qui etiam ivit Ferrariam	2 scuta.
[Ite]m magistro postarum pro expectatione postæ	2 scuta.

[Pri]mo Novembris.

[Item nuncio qui ivi]t Paduam	1 scutum.
. [unum] scutum.	
Item, pro nuntio ad portum Gruarium pro nave eundo et redeundo ad	fol. 282.

³¹ Item, Harwello, pro literis et libris missis

Item, Hieronymo Molyns

Item, Domino Antonio Bonvixi

Summa. { scuta ~~iiii~~^{xx} vij^d. =
 libri Flandriæ x^{li} = xxx
 Marcelli.

Scuta 196 ij^s iij^d. ³²

³¹ Here the ink and the handwriting is changed.

³² 282 b is altogether vacant.

Number XXVI.

*Original letter of Bryan's to the King; written from Paris
April 20th, 1531.*

Addl.
MSS.
25, 114,
fol. 92.

PLEASETH it your highness to understand that your letters given under your signet at your manor of Grenewyche, the 6th day of April, I received here by my cousin Semare on Easter Day³³, about midnight. And the next day following I went to the king, being at Bero de Vyncent, and shewed him, as your letter commanded me, who made me answer that if I thought any other personage within his realm more convenient to be sent for the setting forth of your highness' cause than this cardinal, he should go. To whom, after your most hearty thanks given, I answered saying I knew none so mete, considering he had before intermeddled in your said cause, and knew the justness thereon; and likewise took the unjust promise of the Pope for the furtherance thereof; finally concluding with him, that if his highness would give him straight commission on his behalf to be plain with the Pope, and to do that to him were possible, I said I knew none so convenient a personage. Whereunto he answered, and said to him before me, that as he would desire his favor and thanks, and avoid his extreme displeasure, he should with all study endeavor him to set forth your said cause, who made answer that hitherto he had done his best, and would at this time do no less, but rather more if to him it were possible. I then on your behalf gave to him your most cordial thanks, and said in his so doing he did according to the trust ye put in him.

Many other loving and hearty words the king your brother spake after his accustomed manner, which scantly I can so vehemently recount as they were spoken. I desired him to despatch this said Cardinal, who shewed me that within four days he should set forth. Assuring your highness, as they

³³ Easter Day fell on April 9 in 1531.

report to me, the Instructions given to him for the setting forth of your cause are very effectual and greatly for the advancement of your said cause, if the Pope exteme your said fol. 92 b. brother, his own honesty or promise.

I have also delivered all your highness' letters, which were very thankfully taken, the parties affirming themselves ready to do you any service ye should command them. The great master shewed me that your highness could do him no greater honor than in commanding him to do anything that might be pleasure to you, saying no servant ye had should more willingly do it.

Farther³⁴, pleaseth your grace that the Viscount Tyrayne, two dayis passyd, showyd me in gret secretnesse that letters were cum from Rome to the French king for the which the counsell there beyng assemblyd them seluys together and debatyd the same; whereby he said he perceyved that the Pope's hart was sumwhat relentyd and that he thought he would yet shewe himself at the instance of hys master more favorable in your hyghnesse sayd cause then hetherto he had. He shewyd me in counsell, that the emperor's ambassadour trectyd of many matters here and had but dull and slacke answers, and the emperor desyred grettly a metyng but in nowyse hys master would agre unto yt, and for conclusyon he sayd I myght be assuryd that the French king and the chefe of the nobles of hys realme not only dyd sett lyght the emperor but also in ther hartys dyd abhorre him and not withowt iust cause.

Sir, the voice goes here that the emperor should determine himself to make war with your highness; in so much that three days passed there came to the king your brother a captain of Almayne, to make him reverence, and immediately after came to me, and shewed me that it was said that the emperor should make you war; and that if he so did, he bad me shew your highness that he would do you the best service he could, and would bring your highness a great number of men; to whom, on your behalf, I gave most hearty thanks, saying I heard of no such thing; and that I thought the

³⁴ This paragraph is in cipher, the deciphering being on fol. 94, but carelessly executed.

fol. 93.

emperor too wise a prince and to have about him too sage counsellors to make any war or quarrel against your highness; and that if he so did, I thought he should be the first should repent it. This captain is of good reputation here; but what he is I yet know not. This day he came to dinner to me, who recited again the good mind he had to serve your highness, in case ye should be provoked to war, I making to him my former answer.

Your highness shall also know that the king your brother takes his journey a hunting into Normandy; the queen and my lady tarry I think a day or two, and so go to Saint Germainys, if the health of my lady may so bear it. She has long time been sick and thought here in great danger.

Sir, the great master told me this afternoon that he would send to Monsieur de Vaux all the demands that the emperor has desired of the king your brother, and likewise the answers of him made, and further shewed me that your highness could not desire to have that thing done here that willingly should not be granted you, as well for the advancement of your great cause as of any other matter ye have to do; if they mean as they speak, I believe verily ye may be perfectly assured of them.

Syr³⁵, touchyng the clause your hyghnesse did write to me in cipher. I can yet perceive no lykelyode of any suche thyng but shall dayly lye in a wayte to knowe the truth thereon and upon such knowledge shall in cipher advertyse your hyghnesse in diligence.

Sir, the saying is here that the French queen is with child.

Sir, after this much of my letter was written, it was shewed me that without fail the Cardinal of Gramounde this day [will] take his leave of the king and set forward towards Rome upon Friday or Saturday next coming; but so many such promises they have broken that I dare not take upon me to say to your highness that this shall be true. Yet I think he will not tarry long, seeing he has taken leave of his master. Thus Jesu preserve your highness with long life in health, much honor, and the accomplishment of your most gracious heart's desire.

From Parrys the 20th day of April.

³⁵ This passage is in cipher.

Post Scripta. The Marquis of Guast is come to the emperor's army in Italy, and of it is made captain general; and Farnando Gonsago, brother to the Duke of Mantua, who before was captain general, is discharged, and is gone into Napuls to be married; and the saying is here, that shortly after his marriage he will return to the emperor and pass by this court. The saying is here also that there is descended in the duchy of Myllane 14 or 15 thousand Suchys, and have laid siege to a town that the Castylyan of Murke holds. What will come of this no man can tell as yet.

Your most humble subject and obbeyssant servant,

FRANSSYS BRYAN.

Number XXVII.

*Clement's letter to the King asking for aid against the Turks ;
written August 18, 1531.*

Raynald.
tom xiii.
p. 224.

REGI Angliæ.

Etsi scimus tuam majestatem pro suâ pietate et boni principis officio egregie sic animatam ad communem salutem et religionem a communi hoste Turcâ defendendam, id quod ex ejus literis, et sui etiam oratoris sermone sæpius intelleximus; tamen cum nuperrime allatum huc sit, sicut et ad tuam serenitatem esse credimus, ipsum Turcam, non obstantibus induciis, ea loca Dalmatiæ invasisse et communire, quæ sibi ad bellum mari terrâque gerendum usui esse possint, et præterea multa alia apparatûs maximi signa dedisse, et in dies dare in ver proximum eruptura; nos vocati a Deo in hujus sollicitudinis principaliorē partem, et ad agendum ipsi pro virili nostrâ et ad cæteros in diem cohortandum; optantesque ut præ hostis vigilantia et nimia cunctatione nostrâ tempestivum esse possit quodcumque parabitur, scripsimus super his latius ad nuncium nostrum, ut cum tuâ serenitate colloqueretur, omniaque, quæ nobis in commune conferenda et agenda viderentur, ei referret. Te igitur, fili charissime, hortamur in Deo domino, ut ipsius Dei, a quo regnum et omnia es adeptus, communisque fidei et salutis memor ejusdem Dei honori, tuorumque subditorum et aliorum Christum colentium securitati et saluti prospicere pro tuâ virili velis, sicut tuâ dignum est celsitudine, et a te tuisque majoribus fieri consuevit: quemadmodum hæc ipsa copiosius ex ipso nuntio nostro intelliges, cui fidem solitam in his habere velis.

Dat. Romæ die 18 Augusti M.D.XXXI. pontificatûs nostri anno octavo.

Number XXVIII.

Allegations for the Queen by Jerome Novato, a Milanese advocate; dated April 25, 1532.

HIERONYMI Novati Medio-
lanensis Advocati pro sere-
nissimâ Dominâ Catherinâ de
Castigliâ, de Aragoniâ,
Angliæ Reginâ al-
legationes.

Grenville,
1235.

Reverendissimo Domino meo observandissimo, Domino
Petro de Accoltis de Aretio, Sabinensi episcopo, Car-
dinali Anconitano.

Reverendissime inter omnes prioris etiam sæculi Cardinales
Sanctæque sedis Apostolicæ reliquos præsules, utriusque cen-
suræ decus in æterna secula memorandum :

Hanc profecto lucubratiunculam in summâ librorum meâ
præsertim familiarium penuriâ, nullo processu, nullisve scrip-
tis aliorum visis exaratam, non ideo, ut ullo unquam tempore
imprimeretur, edideram, cum eam statim publicâ discepta-
tione peractâ Magnificentissimo Sacratissimi Cæsaris oratori,
ejusve consummatissimis supremi consilii jureconsultis, Sancti-
tatiq; suæ, ac aliis quampluribus (id etiam infrascriptis attes-
tantibus epistoliis) nil ulterius cogitans exhibuerim. Verum
posteaquam in disceptatione diei 17 Aprilis mox pro Rege
impressâ, tenentes l. Cum post. C. de appell. copulative lon-
ginitatem itineris et causæ mediocritatem exposcere, ut de-
legari debeat, immerito erroris argui perspexi, tanquam id
contra dictam l. ac. § in causis de pace constantiæ Directo
firmaverint, ipseque hunc intellectum ut communem, et verum,
quamvis l. alternative loquatur, illico prædictâ disceptatione
transactâ (quam meram potius dixerim, nullo contradicente,
propositionem) spectatissimo Cæsaris oratori retulerim ; mox
prædictis omnibus scriptum transmiserim, eâ præsertim ratione

Aii.

summo dolore affectus, quod mihi respondendi locum (sed jure merito, ne res ab ipso celeritatem desiderante protelari ex adversantium sententiâ videretur) abnuisset, honoris potissimum mei gratiâ, fortunis, vitæ, ac liberis præferendi, cui juxta doctorum nostrorum præcipua dogmata nisi l. vel ratione communi sententiæ non refraganti fuero convictus, nemini cedere unquam decreverim, utque ipsosmet accusatores (salvâ eorum pace) non nos, errare quicumque legalis scientiæ professores oculatâ fide perspiciant, exque præsentium articulorum disceptatione (nunc primum id vere nomen adeptâ) circa principalis negotii merita toto terrarum orbi similis conjectura præbeatur (quod etiam re ipsâ propediem favente Deo optimo maximo) si justitia (ut arbitror) annuerit, judicabitur nulla penitus, quæ post ultimam propositionem illico scripserim, ostentandi alliciente jactantiâ, nec ullo alios accusandi studio, sed potius legato Cæsaris obsequendi, eandem (paucis additis) impressoribus tradere coactus, Reverendissimæ Dominationi Vestræ dedicandam censui : ut sub ejus venerandi nominis immortalis permansuri auctoritate amplissimâ, quippiam digni nominis assumere, ac veluti tutissimo vallo munita, a nullo præter fas mordaci dente lacessiri, et facilius illæsa subsistere possit, Reverendissimamque Dominationem Vestram contra omnes (sint qui velint) obtrectatores justissimum moderatorem et arbitrum, vel saltem certissimum defensorem, obtineat, cujus unico infallibili judicio invictissimæque tutelæ cuncta tam scripta quam scribenda, et me quoque ejusdem protectionis sublimitati perpetuo celebrandæ devotissimum servum ex intimo corde dedo : et plurimum comendo.

Ex sacro palatio 16 Iunii M.D.XXXII.

Reverendissimæ Dominationis Vestræ,
Deditissimus et obsequentissimus servus

Hieronymus Novatus,
Mediolanensis Advocatus.

Hæ proximæ sunt clarissimorum Serenissimi Angliæ Regis advocatorum conclusiones pro clariori intelligentiâ hic insertæ, quæ ex aliis duabus præfati Novati conclusionibus, ut in subsequenti lucubraciunculâ continetur, cessare videntur.

1. Regia dignitas non impedit, quo minus de jure in causâ de quâ agitur, juxta tenorem materiarum possit objici de loco non tuto regi, secundum communem opinionem.

2. Ad allegandum justum impedimentum necessarium temporale admittitur excusator sine mandato, secundum communem opinionem.

3. Impeditus probabili et necessario impedimento temporali non cogitur constituere procuratorem, secundum communem opinionem.

4. Ex materiis nostris elicitur etiam probabile et necessarium impedimentum, secundum communem opinionem.

5. Ad allegandum notorium et justum impedimentum temporale citati, admittitur excusator sine mandato, secundum communem opinionem.

6. Deci. Bar. et seq. in § Ad crimen in versiculo quædam sunt excusationes probabiles. L. Accusatore ff. de publ. Judi. non obstat, quo minus consideratis materiis admittendus sit excusator regius, secundum communem opinionem.

7. Et concessâ obständiâ sine præjudicio veritatis, dicimus quod requisitum Bar. in dicto membro, ut excusator admittatur a iii. colligitur, et de jure inducitur ex litteris regiis.

8. Tenor materiarum non concludit tale impedimentum (regiâ dignitate non consideratâ) propter quod de jure in hâc causâ rex cogatur constituere procuratorem, secundum communem opinionem.

9. Immo, stantibus prædictis materiis et consideracione, rex in hâc causâ non cogitur constituere procuratorem.

10. Rex Angliæ invictissimus non est citatus a Papâ, et hoc concesso sine veri præjudicio,

11. Citacio facta a Papâ in causâ de quâ agitur, justo impedimento detentum ut in materiis non cogit constituere procuratorem, secundum communem opinionem.

12. Citacio, ut supra, ut compareat, per se vel per procuratorem, impeditum non cogit constituere procuratorem, secundum communem opinionem.

13. Stantibus materiis, et intellectu Inno. et seq. ad c.

Cum dilecti, de dolo et contuma. non juridice infertur ad causam de quâ agitur, secundum communem opinionem.

14. Nec illacio communis ex dicto intellectu de jure, causam de quâ agitur comprehendit, secundum communem opinionem.

15. Exceptio loci non tuti competit, nedum quum locus quo agitur judicium non est tutus, sed etiam quum loca media per quæ de necessitate eundum est ad locum judicii non sunt tuta, secundum communem opinionem.

16. Causa, de quâ agitur, est gravis, secundum communem opinionem.

17. In causâ, de quâ agitur, locus debet esse tutus, nedum procuratori, sed etiam domino.

18. Stantibus materiis prædictis, regi Illustrissimo debet de loco idoneo provideri etiam quod non petatur, secundum communem opinionem.

19. L. 1. C. Quum Imp. inter pupil. et vidu. de jure non obstat quominus excusator regis cum prædictis materiis sit admittendus.

20. Nec propter ejus dispositionem rex, stantibus prædictis in causâ de quâ agitur, cogitur constituere procuratorem, secundum communem opinionem.

21. Assertum juramentum perhorrescentiæ de jure non impedit quominus materiæ excusatoriæ admitti debeant, secundum communem opinionem.

22. Causa de quâ agitur, non est reservata sedi Apostolicæ privative, secundum communem opinionem.

23. Prætensus stilus curiæ, quo dicitur, caveri causam semel in curiâ commissam, amplius extra curiam committi non debere, non obstat quominus, stantibus materiis, Papa causam, de quâ agitur, de jure debeat committere extra curiam.

24. In causâ de quâ agitur, procurator debet admitti ad allegandas et probandas materias prædictas, nec citatus cogitur constituere procuratorem, cum quo possit procedi in causâ, virtute decis. x. de dolo et contuma. in antiq. vel DCCXXIX. in eisdem, quæ de jure non obstat.

25. Stantibus materiis et causâ, de quâ agitur, Jura dicentia cognitionem et decisionem causarum Regum et principum ad sedem Apostolicam spectare, non fient ludibrio, nec debito frustrabuntur effectui.

Hieronymi Novati Mediolanensis Advocati
Conclusiones.

Reginæ causa per Sanctissimum Dominum Nostrum met
discuti, et examinari, sive in hâc curiâ tantum delegari, et ^{Prima Con-}
sive ipsius audienciâ committi debet; et ideo in commissione
jam factâ, Reverendo patri Domino Paulo Cappisuccho, quod
eam audire debeat, magis esse persistendum.

Rex (etiam in consequentiam præcedentis) procuratorem ^{Secunda}
constituere tenetur. ^{Conclusio.}

Magnificentissimo D. Michaeli Mayo, Sacratissimi Cæsaris
Caroli V. penes Sanctissimum Dominum Nostrum Cle-
mentem VII, oratori meritissimo, Domino meo obser-
vandissimo.

Cum in præsentis causæ meritis scribenda (si rectitudo jus-
titiae reginam juverit) Sacratissimo Cæsari Carolo dedicare
constituerim, hæc etiam ex ordine judicii compendiuncula Ma-
jestati suæ inscribenda videbatur. Verum cum hujuscemodi
disceptatio nullam principalis negotii veritatem sed meras,
datâ defensione regi per procuratorem, subtilitates ac pernicio-
sos stricti juris apices, rigorosasve processûs exceptiones per
summum principem, appensatâ facti solâ veritate, funditus ex-
tirpandas, concernere videatur, tanquam modicæ rei lucubratio-
nem haud imperiali culmine dignam censui. Cum autem, vir
sapientissime, hæc alias, prius quam apud summos principes
majora tractares, accuratissime revolveris, nuncque etiam Ma-
jestatis suæ obsequia justissimo roborata desiderio ad eadem
priora munimenta Dominationem Vestram accumulatissime
revocent, ipseque vices gerentibus Majestatis suæ, cui, sua-
dente justitiâ, perpetuo totis viribus inservire conabor, rem
gratissimam facere cupiam, eandem prædictorum omnium va-
dem proque insolubilis meæ fidei pignore, Dominationi Vestræ
inscribendam esse decrevi; quam obtestor et obsecro, ut si circa
præsentium articulorum discussionem minus fortassis quam de-
cisio super eis facienda postulare videbatur in præsentiarum
scripsero, me posthac in altissimæ indaginis causæ meritis,
habitâ librorum meorum copiâ, suppleturum fore certo confidat:

sibique ipsi met hoc nomine meo promittat et spondeat. Meque summopere comendatum habere dignetur.

Ex sacro palatio Die 25 Aprilis, M.D.XXXII.

Magnificentissimæ Dominationis Vestræ Deditissimus servus, Hieronymus Novatus, Mediolanensis advocatus.

Illustrissimo Domino, Don Gratiae de Padilla, Comendatori majori ordinis de Calatrava, ex supremis sacratissimi Cæsaris Caroli V. consiliariis meritissimo, Domino meo observandissimo.

Invictissimo Cæsari Carolo disceptationis Anglicanæ munusculum, meæ in sacratissimam Majestatem deditissimæ servitutis exiguum pro tenui facultate testimonium, libentissime dedicâsem, ni prius exactissimam consumatissimi jureconsulti moderationem, ex longâ studiorum intermissione familiarisque bibliothecæ carentiâ, necessariam omnimodo fore cognovissem. Verum sublimitati virtutum tuarum, quibus plane obnoxius moriar, cumulatissime fidens, ejus rectissimæ censuræ in primis subjiciendum, mox vel lacerandum vel ejusdem auspiciis, si dignum videbitur, quod in publicum prodeat, Majestati suæ inscribendum tradidi : postea, quia Viginti quinque conclusiones his duabus unicâ disceptatione tollere non licuit, quas dictis cum primum visis multorum testimonio editas (si meæ partes fuissent) in primo pro ultimo consistorio disputâsem, verum ab initio obstitit absentia, sique affuissem, clarissimorum aulæ consistorialis advocatorum constitutio cæteros prohibens obstitisset ; mox cum, re ad alios deductâ, liceret, fato meo contrario spectatissimus orator Cæsaris sed jure merito, ne res ab ipso celeritatem desiderante, protelari ex adversantium sententiâ videretur) abnuit ; cujus ac Sanctissimi Domini Nostri prope mandatis accuratissime semper parere conabor.

Bene valeat Illustrissima Dominatio Vestra, cui deosculatis manibus me devotissimum dedo, et sæpius comendo. Ex sacro palatio 6 Idus Mayas, M.D.XXXII.

Illustrissimæ Dominationis Vestræ

Deditissimus servus

Hieronymus Novatus,
Mediolanensis Advocatus.

Illustrissimo Domino, Nicolao pernoti Granvillæ Domino
ex supremis Sacratissimi Cæsaris Caroli V. consiliariis
meritissimo, Domino meo observandissimo.

Quum causam Anglici matrimonii totiens agitari viderem, impulsus sum meâ in Cæsaream Majestatem observantiâ quandam lucubrationculam edere; verum cum in alienis bibliothecis peregrinandum fuerit, minus tam gravi provinciæ satisfecisse videbor, quam si libris meis familiaribus (vicem memoriæ obtinentibus) uti potuissem; eam itaque licet a clarissimo oratore Cæsareo, aliisque plurimis probaretur, haud tamen recta ad suam Majestatem sed ob nimias Dominationis Vestræ occupationes Sapientissimo domino de Calatrava transmittendam duxi, ipsius exactissimo judicio prius examinandam, cui si digna videbitur quod in publicum prodeat, Dominationi Vestræ confidentissime supplico, ut una cum præfato eandem, ac meam servitutem Majestati suæ in perpetuum dicatam eidem offerre dignetur, quod si Dominationi Vestræ plus negotii quam deberem, tribuo, innatæ humanitati suæ ascribat, quæ me hoc audere suasit, felixque valeat, et mihi suo jure mandet, cui, manibus deosculatis, me plurimum comendo,

Ex sacro palatio 6 Idus Mayas, M.D.XXXII.

Illustrissimæ Dominationis Vestræ

Deditissimus servus,

Hieronymo Novatus,

Mediolanensis Advocatus.

Sanctissimo Domino Nostro, Domino Clementi VII.

Exoptabam, Beatissime Pater, in Anglicanâ disceptatione Sanctitati Vestræ cumulatissime indicare quonam pacto ab advocatorum Mediolanensium ultimo, cæterorum in perorandis causis imaginem oculatâ fide perspiceret. Idque post clarissimos aulæ consistorialis advocatos, re ad alios deductâ, cum prius non liceret, peregissem, ni fato meo contrario spectatissimus orator Cæsaris abnuisset, ex quo dolorem animo meo abditum eidem pandere saltem cupiens, has duas conclusiones,

visis statim contrariis, multorum testimonio editas (quas, si meæ partes fuissent, primâ disceptationis die, ut Vigintiquinque funditus corruerent disputâsem) Sanctitatis Vestræ pedibus exhibendas duxi, humillime supplicans, ut, si quidpiam minus accurate præstitero, eadem ex longâ studiorum intermissione, familiarisque Bibliothecæ carentiâ, meam excusationem accipere, hisque appensatis, quid, ubi hic judicandi provinciam (Novennio Mediolani, simul cum patrociniis pro Vestrâ etiam Sanctitate dum in minoribus ageret) emeritam reassumpsero, de me sibi polliceri poterit, conicere dignetur, ac felicissime valeat, cui me post pedum oscula beatorum humillime comendo.

In sacro Ejusdem Palatio Die 25 Aprilis, M.D.XXXII.

Sanctitatis Vestræ

Devotissimus servus

Hieronymus Novatus,

Mediolanensis Advocatus ³⁶.

³⁶ This is exactly copied from the volume in the Grenville Library, which consists of six leaves of a small 4to. size. It is very carelessly printed as regards capitals and stops; and several evident misprints have been corrected, the usual Italian method of spelling such words as *comendo* having been preserved.

Number XXIX.

The King's letter to the Pope recommending Sir Andrew Cassali and Sir Gregory to his good offices; written May 18, 1532.

BEATISSIME pater, post humillimam commendationem, Theiner, et devotissima pedum oscula. Quanto studio et affectu omnem ^{p. 602.} familiam de Casaliis, quorum in nos officia extant complura et fidelia, prosequamur, Sanctitati Vestrae compertius esse arbitramur, quam quod necessarium esse videatur id nunc velle litteris commemorare, summopereque cordi habemus, quicquid nostrâ gratiâ vel operâ in eorum commodum vel ornamentum effici queat. Quum itaque intelligamus Sanctitatem Vestram in Magnificum equitem et nobis carum, Dominum Andream Casalium (qui ut de Sanctitate Vestrâ ejusque rebus bene mereatur, nullos unquam labores, sumptus aut pericula subterfugit) Comitatum quendam Montis Georgii non admodum magni proventus in suâ Bononiensi ditione jampridem contulisse; postmodum vero, non ut illi injuriam faceret, sed forsân ut eâ ratione rebus suis ex animi sui sententiâ melius prospiceret, hujusmodi omnes tam illi, quam multis aliis in Bononiensi ditione antea concessos Comitatus in suas manus revocasse: dictum nos Dominum Andream, quem ob singulare suum erga nos studium vehementer amamus, nostris nunc litteris volumus Sanctitati Vestrae commendare, rogareque, ut nisi dictum Comitatum ei velit restituere, de aliquo saltem alio in provinciâ Romandiolâ præcipuo nostro interventu illi, ut aliis multis jam provisum esse audimus, providere non gravetur: idque eo ardentius a Vestrâ Sanctitate nunc petimus, quod præter amorem, quo dictam familiam de Casaliis amplectimur, moleste quoque ferremus, ut quisquam ex hâc occasione suspicaretur, amicos nostros nostroque tempore suis ornamentis spoliari.

In causâ vero Domini Gregorii oratoris nostri non possumus non vehementer mirari, quod cum ille sit de Sanctitate Vestrâ universâque ejus familiâ quam optime meritis, in controversiâ,

quam de uxoris hæreditate istic habet, non satis ex æquo et bono, ut intelligimus, tractetur: quod si in hoc negotio parva ipsius forsan ratio habeatur, nostri tamen respectus, quod cum primis illum carum habemus, quod fidelissime nobis inservit, huic causæ, quam justissimam esse putamus, deberet quam maxime suffragari. Sic enim præfatum Dominum Gregorium amamus, ut illius etiam causas defendendas promovendasque libenter suscipiamus; nec potest nobis non esse molestissimum, si orator istic noster suâ fide et officiis de nobis tam bene meritus parum juste in causâ justissimâ tractetur.

Hoc igitur negocium sic ex animo Vestræ Sanctitati commendamus, ut ex illius eventu judicaturi simus, quanti sint nostræ commendationes apud eam ponderis: Dominoque Benet oratori nostro mandamus, ut has causas Sanctitati Vestræ nostro nomine copiosius vehementiusque commendet. Et felicissime ipsa valeat.

Ex Regiâ nostrâ Grenwici die 18 Maii M.D.XXXII.

Ejusdem Sanctitatis Vestræ

Devotissimus atque obsequentissimus filius, Dei
gratiâ Rex Angliæ et Franciæ, fidei defensor
ac Dominus Hiberniæ,

HENRICUS ³⁷.

³⁷ This is the letter in the form Benet at Rome in March, 1532, in which it reached the Pope. The forms No. CCLXXI of this series. draft, as drawn up by Cassali and

Number XXX.

Letter from the King to the Pope, repeating his request for the admission of Carne as Excusator; written February 28, 1533.

BEATISSIME pater, post humillimam commendationem, ^{Theiner, p. 601.} et pedum oscula devotissima. Graviter admodum molesteque accipimus, neque minus, quam pro rei indignitate par est, dolemus, quod subditus iste noster Doctor Carne adversariorum quorundam artibus, et pertinaciâ nimis improbâ quidem illâ, a legitimo excusatoris munere impediatur. Est certe illud longe præter expectationem ac merita in istam Sedem nostra, et tamen utcumque tolerabile foret, si in nos duntaxat nostramque injuriam hoc malum recideret. Ceterum cum hâc ratione jura omnia cum divina tum humana violenter, naturalis etiam æquitatis et justitiæ ratio pervertatur, et pietatis denique affectus, quem subditus Principi debet, frustretur, vestræ prudentiæ ac sollicitudinis pastoralis esse arbitramur, curare sedulo, ut plus apud Tribunal istud vestrum justitia, æquitas et naturalis quædam pietas, quam fraudes et aliorum potentia valeant.

Non hic lubet commemorare et quotidie ad aures Sanctitatis Vestræ acclamare, quam justis fundamentis dicti subditi nostri petitiones nitantur, et de voluntate nostrâ approbentur ea, quæ executoris nomine ab eo gesta sunt; satis jam pridem per litteras nostras, quas ad eum dedimus, eidem Sanctitati Vestræ constare nequaquam dubitamus; et tamen prohibere subditum nostrum, quominus erga nos Principem suum id officii præstet, et beneficii, quod subditus in Principem naturali quodam jure collocare tenetur, et quod publice interest, ut ab omnibus erga ceteros præstetur; illud vero, si non est contumelia, et non toleranda injuria, Vestra Sanctitas etiam atque etiam viderit. Nos interim, quod unum possumus, quodque antea sæpissime fecimus, rogamus Sanctitatem Vestram quam possumus vehementissime pariter et Reverendissimos Dominos Cardinales in Consistorio existentes, ut non amplius differant dictum sub-

ditum nostrum pro certissimo excusatore admittere, et causam nostram benigno et paterno quodam favore prosecui, quo nomine gratiam apud Deum optimum maximum, justitiæ assertorem et vindicem, simul et apud mortales omnes laudem et gloriam Sanctitas Vestra magnam haud dubie promerebitur; quæ felicissime ac diutissime valeat.

Ex Regiâ nostrâ, Londini die 28 Februarii, 1532.

Ejusdem Sanctitatis Vestræ

Devotissimus atque obsequentissimus filius, Dei
gratiâ Rex Angliæ et Franciæ, fidei defensor
ac Dominus Hiberniæ

HENRICUS.

Number XXXI.

Letter from the King to the Pope assuring him that he will, after consultation with the French King, do all that he can for the preservation of the faith; written May 20, 1533.

SANCTISSIMO Clementissimoque Domino nostro Papæ. ^{Vitell.}

Beatissime pater, post humillimam commendationem, et ^{B. xiv.} ^{fol. 38.} devotissima pedum oscula beatorum. Reddidit nuper nobis Reverendus Dominus Ubaldinus, Sanctitatis Vestræ Nuncius, ipsius ad nos breve; quod ubi perlegissemus, ac omnia accurate audivissemus, quæ ille de rebus publicis suæ commissa fidei prudenter, distincte et copiose nobis exposuit, non potuimus Sanctitatis Vestræ in iis tractandis promovendisque actionibus, quæ commune omnium bonum, publicam tranquillitatem et Christianæ in primis religionis propagationem et conservationem concernere videntur, flagrans studium, sollicitamque mentem non summopere laudare, optimique pastoris pectore dignam existimare. Licetque omnia officia libenti promptoque animo (ut semper antea) suo loco et tempore præstituri simus, quæ in christianæ nostræ fidei augmentum et confirmationem cedere posse viderimus: quum tamen negotium istud gravissimi sit momenti, unaque nobiscum extet cum Christianissimo Francorum Rege, fratre et perpetuo confederato nostro carissimo, rerum omnium mens, firmissima conjunctio, eademque voluntas; prius cum eo consilia nostra communicanda esse censuimus, quam de re tam gravi, quæ omnes omnium causas complectitur, quicquam soli statuere velimus. Maturâ igitur cum eodem carissimo fratre nostro super hâc re consultatione habitâ, per eum dicto Sanctitatis Vestræ Nuncio quid agi expediat, et quæ communis nostra sit sententia, copiosius declarabitur; quod nostrum responsum, et super hiis mentem Vestræ Sanctitati probatam iri confidimus. Nihilque nos umquam omissuri sumus, quod e christianæ nostræ religionis

universalisque quietis incremento futurum perspexerimus. Et felicissime ac diutissime valeat eadem Sanctitas Vestra.

Ex Regiâ nostrâ Grenwici, die 20 Maii M.D.XXXIII.

Ejusdem Vestræ Sanctitatis

Devotissimus atque obsequentissimus filius, Dei
gratiâ Rex Angliæ et Franciæ, fidei defensor
ac Dominus Hiberniæ

HENRICUS³⁸.

³⁸ This document has been printed extremely incorrectly from the Vatican Manuscript by Theiner, No. MXXXV. p. 603. A better copy exists in the Vatican Transcripts in the British Museum, from which the letter was printed in State Papers vii. p. 459.

Number XXXII.

The King's letter to the Pope recommending Guron on his return to Italy to his good offices; written May 27, 1533.

BEATISSIME pater, post humillimam commendationem, ^{Theiner, p. 603.} et devotissima pedum oscula beatorum. Quum dilectus nobis Guronus Bertanus Italus ad aliquot annos honeste apud nos egerit, prudenterque ac diligenter in iis se gesserit, quæ suæ fidei commissa erant, et ingens quoddam de nobis quam optime merendi studium semper præ se tulerit, non possumus eum non vehementer amare; qui quum bonâ nostrâ veniâ privatarum suarum rerum causâ in Italiam nunc redeat, illum commendatione benevolentîæque nostrâ prosecui voluimus, ex animo cupientes, ut hunc nostrum in se affectum sibi aliquando usui esse perspiciat. Proinde Sanctitatem Vestram impense rogamus, ut præfatum Guronum velit in suis agendis occurrentibusque negociis præter id, quod illius virtutes quam plurimum merentur, nostrâ quoque commendatione et intuitu chariorem sibi commendatioremque suscipere, id quod nobis gratissimum acceptissimumque est futurum. Et felicissime valeat eadem Sanctitas Vestra.

Ex Regiâ nostrâ Grenwici, die 27 Maii M.D.XXXIII.

Ejusdem Sanctitatis Vestræ

Devotissimus atque obsequentissimus filius, Dei
gratiâ Rex Angliæ et Franciæ, fidei defensor
ac Dominus Hiberniæ

HENRICUS.

Number XXXIII.

Letter from the King of the Romans to the Pope recommending the cause of his Aunt, the Queen of England; written July 11, 1533.

Theiner,
p. 603.

BEATISSIMO in Christo Patri et Domino, Domino Clementi VII, Divinâ providentiâ SS. Rom. ac Universalis Ecclesiæ Summo Pontifici, Domino nostro Reverendissimo.

Beatissime in Christo Pater et Domine, Domine Reverendissime. Post humilem commendationem filialis observantiæ nostræ continuum incrementum. Commisimus honorabili Wolfgango Prantner, magni Magistri Ordinis S. Georgii Coadjutori, Consiliario et Oratori nostro, Sanctitati Vestræ quædam in Serenissimæ Dominæ Reginæ Angliæ, Materteræ nostræ carissimæ, causâ nostro nomine referenda, sicut ab eo coram intelligere dignabitur. Quæ cum et Sanctitatis Vestræ Sanctæque Sedis Apostolicæ sublimitatem, et conservationem non secus quam Majestatis Cæsareæ et nostrum aliorumque consortium honorem, publicæque pacis et honestatis rationem concernant: Eandem ideo Sanctitatem Vestram obnixè rogamus, et hortamur etiam, ut eidem Coadjutori plenam nostri respectu fidem habere, seque in eo negotio pro expeditâ brevique justiciâ consequendâ ita exhibere et gerere velit, prout ejus et dictæ Sedis pariter et nostræ videat incolumitati expedire. In quo Sanctitas Vestra rem ut Sedi Apostolicæ præcipue importantem, ita se quam maxime dignam, et cumprimis Deo gratam, omnique honestati consonam faciet, nostrâ in eam filiali perpetuâque observantiâ promerendam. Cui nos quoque offerimus et commendamus.

Ex Civitate nostrâ Viennâ, die 11 mensis Julii Anni Domini M.D.XXXIII. Regnorum nostrorum Romani tertio, aliorum vero septimo.

Ejusdem Sanctitatis Vestræ

Humilis et obsequens filius

FERDINANDUS.

Number XXXIV.

The Pope's sentence, annulling the marriage of Henry with Anne Boleyn, issued July 11, 1533.

SENTENTIA diffinitiva Clementis Papæ septimi pro Sanders, matrimonio Henrici Octavi Angliæ Regis cum Catharina et contra secundas ejusdem nuptias cum Annâ Bolend. Data Romæ anno Domini 1533. Pontificatus Clementis decimo. P. 111.

Cum, pendente lite coram nobis, dilecto filio Capisuccho capellano nostro, ac sacri Palatii Apostolici causarum auditore et decano, a nobis in consistorio Reverendissimorum commissâ, inter charissimos in Christo filios nostros Catharinam et Henricum Octavum, Angliæ Reges, de et super validitate matrimonii inter eos contracti, præfatus Henricus dictam Catharinam ejecerit, et de facto cum quâdam Annâ matrimonium contraxerit, contra mandata et decreta tam admonitionis quam inhibitionis in literis in formâ Brevis, etiam de consilio fratrum nostrorum Sanctæ Romanæ Ecclesiæ Cardinalium emanatis contenta, temere et de facto attemptando.

Idcirco nos, de illius potestatis quam Christus Rex regum nobis, licet immeritis, in personâ beati Petri concessit, plenitudine, in throno justitiæ pro tribunali sedentes, et solum Deum præ oculis habentes, per hanc nostram sententiam, quam ex nostro mero officio, ac de venerabilium fratrum nostrorum Sanctæ Romanæ Ecclesiæ Cardinalium consistorialiter coram nobis congregatorum consilio, ferimus, ejectionem et spoliationem dictæ Catharinæ Reginæ a quasi possessione juris conjugalis et Reginalis dignitatis in quâ tempore hujusmodi motæ litis erat, et matrimonium inter prædictum Henricum Regem et Annam prædictam contractum, cum prædicta omnia notoria et manifesta sint, prout ita esse declaramus, nulla, injusta, et attemptata fuisse et esse, ac nullitatis, injustitiæ, attemptatorumque vitio subjacuisse et subjacere; prolemque susceptam seu suscipiendam illegitimam fuisse et esse, præfatamque Catharinam Reginam, ad suum pristinum statum et quasi posses-

sionem juris conjugalis et Reginalis dignitatis restitui et reponi debere, dictumque Regem dictam Annam a cohabitatione suâ et quasi possessione juris conjugalis et Reginalis ejicere et amovere debere, in his scriptis pronuntiamus, decernimus et declaramus, restituimus et reponimus, ejicimus et amovemus. Eâdemque nostrâ sententiâ et ex consilio et mero officio nostro prædicto, præfatum Henricum Regem majoris excommunicationis et alias censuras et pœnas in dictis literis contentas ob earum non paritionem et contemptum damnabiliter incurrisse et incidisse, ac ab omnibus Christi fidelibus evitandum fuisse et esse declaramus et mandamus.

Et nihilominus volentes cum eodem Henrico Rege, nomine pii patris benigne et clementer agere, censurarum prædictarum declarationem usque et per totum mensem Septembris³⁹ proxime futurum, ad hoc, ut sententiæ et mandatis nostris prædictis commodius parere possit, suspendimus.

Et si infra dictum tempus parere distulerit, ac dictam Catharinam in pristinum statum, quo tempore litis motæ erat, non restituerit, præfatamque Annam a suâ cohabitatione et quasi possessione juris Conjugalis et Reginalis non abjecerit, et dicta attemptata cum effectu non purgaverit, ex nunc, prout ex tunc, præsentî declarationi locum esse volumus et decernimus⁴⁰.

³⁹ On the following day Boner wrote to Cromwell giving an account of the passing of the sentence. This letter is printed in State Papers, vii. p. 480.

⁴⁰ This sentence was printed from Sanders in Raynald. tom. xiii. p. 327.

Number XXXV.

The King's letter to Boner intimating the appeal from the Pope's sentence of July 11; written August 18, 1533.

By the King.

Strype's
Cranmer.

HENRY R.

Truly and well-beloved we greet you well. Signifying unto the same that we have appealed from the Pope's sentence lately given against us; which appeal ye receiving herewith with a proxy devised for that intent, our mind and pleasure is that if it is thought to you good and beneficial, for conservation of the same, ye intimate the same to the Pope after the order and form of law, and according to our said proxy sent unto you. And if not, to advertise us of your mind and opinion in that behalf.

Given under our signet at our castle of Windsor the 18th day of August.

To our trusty and well-beloved
Mr. Doctor Boner ⁴¹.

⁴¹ This letter appears as Number IV in the Appendix to Strype's Memorials of Cranmer. It has been reprinted in the last edition with the marginal reference which Strype gave to Sir W. Hickes' Manuscripts; but the editor had apparently not been able to trace it, neither has the present editor been more fortunate.

Number XXXVI.

Letter from the King of the Romans to the Pope thanking him for what he has done in giving his sentence in favour of Catharine ; written September 11, 1533.

Theiner,
p. 603.

BEATISSIMO in Christo Patri et Domino, Domino Clementi VII, divinâ Providentiâ etc. Summo Pontifici, Domino etc.

Beatissime Pater et Domine, Domine Reverendissime. Post humilem commendationem et filialis observantiæ nostræ continuum incrementum. Ex brevibus Sanctitatis Vestræ litteris et relatione honorabilis Wolfgangi Prantner Consiliarii et Oratoris nostri ad nos reversi accepimus, quantâ sui laude et bonorum omnium applausu Sanctitas Vestra in sententiâ pro Serenissimâ Dominâ Catherinâ Reginâ Angliæ, Materterâ nostrâ dilectissimâ, suo in Deum et justiciam officio functa fuerit.

Quod ut, æquitate et honestate omni sic poscente, cum sacrâ Cæsareâ et Catholicâ Majestate etc., ceterisque consortibus toto pectore votisque omnibus expectabamus, ita votivo ejus, quod modo fieri potuit, successu ex auctoritate Sanctitatis Vestræ consecuto et obtento, eidem quas debemus gratias reverenter agimus et habemus; in eam quippe hoc insigni ejus in nos pietatis et justiciæ testimonio spem erecti, cætera quoque in negotio principali pro summâ animi sui rectitudine, Sanctæque Sedis Apostolicæ sublimitate et honore asserendo, secundum paternam illius oblationem jamdiu speratum et expectatum a nobis finem quoque habitura. Ad quod tantum abest, ut Sanctitatem Vestram præsentî causæ tam propensam et intentam urgere, aut instimulare, vel minus, ut quidvis potius inpræsentiarum agere cogitemus, in summâ quidem illius erga nos benignitate et clementiâ, et quam cordi semper habet, et cui deesse non potest, æquitate et justiciâ suâ plane conquiescentes. Cui nos etiam humiliter et devote offerimus et commendamus.

Datum in Civitate nostrâ Viennâ, die 11 mensis Septembris Anno Domini M.D.XXXIII. Regnorum nostrorum Romani tertio, aliorum vero septimo.

Ejusdem Sanctitatis Vestræ

Humilis et obsequens filius

FERDINANDUS.

Number XXXVII.

Copy of Carne's last appeal, dated April 14, 1534.

BEATISSIME pater,

Theiner,
p. 604.

Licet in causis præsertim gravibus, alterâ parte absente et juste impeditâ, in loco eidem et causæ suæ notorie non tuto, sicque hoc ad notitiam Sanctitatis Vestræ legitime in judicio deducto, eadem Sanctitas Vestra non deberet contra absentem indefensum procedere, suamque defensionem a jure naturæ concessam tollere, eadem tamen in quâdam prætensâ causâ matrimonii inter Illustrissimam Dominam Katerinam bonæ memoriæ Principis Arturi, Serenissimi ac Invictissimi Domini, Domini Henrici Angliæ et Franciæ Regis fratris et germani, relictam, ex unâ, et prælibatum Serenissimum ac Invictissimum Regem partibus ex alterâ, coram eâdem Sanctitate Vestrâ ut prætenditur motâ, post ac contra quasdam materias excusatorias justas et necessarias absentiae causas præfati Serenissimi Regis continentes, ac inter cetera Curiam Romanam locum notorie sibi et causæ suæ non tutum ex causis alias per me Eduardum Carne legum doctorem, ac dicti Serenissimi Regis legitimum excusatorem, coram eâdem Sanctitate Vestrâ sæpe allegatis, rite et legitime datas, contra eundem Serenissimum Regem absentem non contumacem et indefensum, nullâ causæ cognitione saltem legitimâ premissâ, meritis ac juribus dicti Serenissimi Regis et causæ suæ non visis, aut ullo modo per Eandem Sanctitatem Vestram intellectis (licet in hujusmodi causis eadem Sanctitas Vestra debuisset ex æquo vicem absentis etiam contumacis veritatem in eâ parte inquirendo et indagando supplere) contra omnem æquitatem et justitiam (salvâ semper reverentiâ vestrorum beatissimorum pedum) nulliter et inique contra jus tam divinum quam humanum ad malam relationem factam, et permulta minus vere coram eâdem deducta et allegata, necnon ad importunam partis adversæ instantiam, propterque favores inordinatos, quibus dicta pars adversa, et Serenissimus Imperator modernus, ipsi parti adversæ et illius causæ assistens, apud Sanctitatem Vestram

præpollere [videbantur] seu saltem timore ac metu potentia Cæsareæ Majestatis processit, ac paribus nullitate et iniquitate (salvâ semper Sanctitati Vestræ debitâ reverentiâ) in causâ, in quâ notorie agitur de periculo animarum, male consulta et informata quandam prætensam sententiam diffinitivam in præfatâ prætensi matrimonii causâ contra dictum Serenissimum Regem, ac pro parte Illustrissimæ Dominæ Katerinæ dicti Principis Arturi relictæ contra jus tam divinum quam humanum, ut præmittitur, inconsulte in dicti Serenissimi Regis ac Regni sui et omnium subditorum suorum, atque etiam mei excusatoris præfati gravamen, præjudicium, injuriam et defensionis et naturalis æquitatis, divinique juris subversionem, ac totius Christianæ religionis scandalum et ruinam manifestam tulit et promulgavit.

Quare ego præfatus excusator, dicti Serenissimi Regis subditus, sentiens dictum Serenissimum Regem ejusque Regnum et subditos, et me præsertim præfatum excusatorem graviter ac enormiter ex prædictis processu et sententiâ lædi et gravari, ac timens in futurum magis posse gravari, inhærendo omnibus et singulis protestationibus, exceptionibus, appellationibus, provocationibus, defensionibus ac aliis juris remediis antehac per me, aut quemcunque alium in hâc causâ quocunque modo factis atque interpositis, a quibus nullo modo, si et quatenus faciunt, pro parte dicti Serenissimi Regis recedens, nec recedere intendens, ab Eâdem Sanctitate Vestrâ, sicut præmittitur male consultâ et informatâ, nec in plenâ libertate tempore dictæ prætensæ sententiæ, ut præmittitur, nulliter et inique latæ existente, et ab ejus sententiâ licet nulliter et inique latâ, si qua tamen est, ad eandem Sanctitatem Vestram Sanctamque Sedem Apostolicam plenius, melius, syncerius et securius consulendam et informandam, atque pleniore libertate existentem in his scriptis omnibus melioribus modis et viis, quibus efficacius de jure possum, provoco et appello, apostolosque peto primo, secundo et tertio, instantanter, instantius et instantissime.

Ac insuper protestor, quod libenter appellâsse in præsentâ Sanctissimi Domini Nostri si potuissem commode habere ipsius copiam seu præsentiam, scilicet, quia non possum, appello ut præmittitur in præsentâ clarissimi viri Domini

Andreas de Casalis, Equitis aurati, civis Bononiensis, et
Venerabilis viri Guilielmi Revett legum doctoris
diocesis, apostolosque peto, ut præmittitur. Et ulterius pro-
testor et dico, quod non sint decem dies elapsi, ex quo dicta
prætensa sententia ad mei præfati excusatoris notitiam per-
venit, omni meliori modo etc. salvo jure etc.

Bononiæ etc. sub die decimoquarto mensis Aprilis 1534.

Number XXXVIII.

Copy of Ferdinand's letter to the Pope thanking him for the final decision in favour of Catharine.

Theiner,
p. 605.

BEATISSIMO in Christo Patri et Domino, Domino Clementi VII, Divinâ providentiâ Sacrosanctæ Romanæ ac Universalis Ecclesiæ Summo Pontifici.

Beatissime in Christo Pater et Domine, Domine Reverendissime. Post humilem commendationem et filialis observantiæ nostræ continuum incrementum. Ex litteris honorabilis Gabrielis Sanchez, nostri apud Sanctitatem Vestram Agentis, abunde cognovimus, Sanctitatem Vestram de Romanorum Sanctæ Romanæ Ecclesiæ Cardinalium, consistorialiter apud eam congregatorum, consilio et assensu sententiam in principali causâ Serenissimæ Dominæ Catharinæ Reginæ Angliæ etc., Materteræ nostræ charissimæ, tulisse et promulgasse. In quo sane Sanctitas Vestra bonum opus operata est, suoque in Deum et justiciam officio satisfecit. Cui propterea ingentes, ac quas possumus et debemus gratias reverenter agimus et habemus, et vicissim eidem pro honore et commodo suo Sanctæque Sedis Apostolicæ conservando pariter et promovendo, nos et nostra offerimus, semperque studebimus hanc insignem ejus benemerendi propensionem jamdiu nobis testatam omni filiali obsequio et amore nostro promereri. Cui nos devote et enixe commendamus.

Datum in Arce nostrâ Regiâ Pragæ, die 15 mensis Aprilis Anno Domini M.D.XXXIV. Regnorum nostrorum Romani quarto, aliorum vero octavo.

Ejusdem Sanctitatis Vestræ.

Humilis et obsequens filius

FERDINANDUS.

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